HOUSE OF REPRESENTATIVES—*Thursday, September 23, 1993*

The House met at 10 a.m.

The Rabbi Leslie Gutterman, senior rabbi, Temple Beth El, Providence, RI, offered the following prayer:

Almighty God, Ruler of all nations: At this season of renewal shimmering with historic transformation, we invoke Your blessings upon all who hold responsibility in our national life.

May the deliberations in this House of the people foster the noblest ideals and well-being of America.

We pray that our beloved land will ever be bright with freedom's holy light so it may serve as a shining example of justice and compassion to the entire world.

Deepen our faith in the human capacity for goodness and inspire each of us to do what we can do to banish bigotry and promote peace. 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 Florida [Mr. STEARNS] come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS 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 announces that it will receive requests from 15 Members on each side for 1-minute statements.

WELCOME TO RABBI LESLIE YALE GUTTERMAN

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

Mr. MACHTLEY. Mr. Speaker, it is my honor and personal privilege to welcome to this Chamber, along with my distinguished colleague, the gentleman from Rhode Island, JACK REED, Rabbi Leslie Yale Gutterman, senior rabbi of Temple Beth-El, Providence, RI, a spiritual leader of our State, an individual whose concerns for community and love of people have made him a counselor and friend to many ordinary citizens and leaders in our State.

Rabbi Gutterman serves on the board of many civic and charitable institutions. He has been a lecturer of religious studies and a noted columnist. His life, as a reflection of his faith, is an inspiration to those of us who know him and have the privilege of calling him a friend. His prayers have not only been heard by the Supreme Being, but by our Supreme Court.

It is with a great deal of personal pride and privilege, as I say, that I welcome him to our Chamber.

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

Mr. MACHTLEY. I yield to my distinguished colleague, the gentleman from Rhode Island, who would also like to welcome Rabbi Gutterman.

Mr. REED. Mr. Speaker, I thank my colleague for yielding to me.

I join him, Mr. Speaker, in welcoming Rabbi Leslie Gutterman, a man of wisdom, compassion, and wit; a man whose words, as well as deeds, inspire the entire Rhode Island community to be more decent, more humane, more understanding, and more dedicated to opportunity and to the decency that we all seek in our daily lives.

HEALTH CARE REFORM: A MATTER OF SURVIVAL, NOT A POLITICAL ISSUE

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

Ms. DELAURO. Mr. Speaker, last night President Clinton outlined his program to reform our country's national health care system. He launched the debate, and I can tell the Members that the people in my district are desperate for the health care debate to begin.

Last week I spent 5 days in my district meeting and talking with constituents about health care reform. I met with doctors, nurses, business people, hospital administrators, people who have health care coverage and people who do not. All agreed on one thing, that we need health care reform now.

Rising health care costs are devastating to our economy, our families, our senior citizens, and our small businesses. In Connecticut, the effects of health care and that crisis are everywhere. The story of Kathy Berko of Hamden, CT, is all too common.

Kathy Berko employs five people at her small manufacturing firm. She has four different health plans for those five employees. In the past 3 years, health care premiums for one employee have increased 50 percent. Recently Kathy interviewed a highly skilled professional whom she wanted to hire. One problem was that he had a preexisting condition. He underwent heart bypass surgery last year. If she decides to hire him, her insurance rates will increase by 50 percent.

That is our current health care system in a nutshell: a business owner who is kept from making her business more competitive, a hard-working American who was denied a job due to no fault of his own.

We need health care reform now. For Kathy Berko and people like her all across this country, health care reform is not a political issue, it is a matter of survival. Let us do it.

TELEPROMPTER FIASCO, AN EXAMPLE OF BUREAUCRATIC MISMANAGEMENT

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

Mr. GINGRICH. Mr. Speaker, last night we had a very symbolic warning about the dangers of Government-run bureaucratic health care. When the President of the United States began to address a joint session of Congress and the American people, his TelePrompter had the wrong speech. That is right. For the most important domestic policy speech of his administration, the bureaucracy put the wrong speech in the TelePrompter. For 7 minutes, President Clinton read from his typed script while his White House staff changed the TelePrompter to the right speech.

President Clinton is very smart, and last night was only a speech. Imagine a below-average bureaucrat on a bad day dealing with your electrocardiogram, your CAT scan, your MRI, your x ray. A Government that cannot run a travel office or a TelePrompter cannot run an entire health care system for Americans.

Last night's mistake was a useful symbolic warning about the inefficiencies and incompetencies of the Government bureaucracies. We do need health reform, but we need a market-driven, decentralized system based on personal responsibility with less Government. That is what the House Republican affordable health care bill now does. Last

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night's TelePrompter reminds us why we need to move in that direction.

PRESIDENT CLINTON'S HEALTH REFORM PLAN

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

Mr. REYNOLDS. Mr. Speaker, I rise today to praise President Clinton for focusing the Nation's attention and agenda on the urgent need to reform health care and commend him for his bold vision for how to do so.

Regardless of what one thinks of the mechanics of the President's proposal, the President deserves credit for preparing a plan guaranteeing universal quality coverage. Now Congress must move swiftly to ensure that the principles of President Clinton's plan are preserved.

Under the President's plan, all Americans will be guaranteed a comprehensive benefit package at an affordable price, regardless of where or whether they work, how much money they earn, or whether they have ever been sick. The discriminatory insurance practices of overcharging or excluding people because of preexisting conditions would be outlawed.

Mr. Speaker, again this plan ensures that every American will be guaranteed access to a comprehensive benefit package, no matter what.

Mr. Speaker, it is truly a great day for America. A great day for all Americans.

AID TO RUSSIA—WE NEED ACCOUNTING OF ITS USE

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

Mr. STEARNS. Mr. Speaker, we all know what is happening in Russia today. The struggle for democracy in Russia is not easy, and it is especially complicated now. To compound the problem, according to two recent articles in Forbes magazine, organized crime and unscrupulous government officials are accumulating vast fortunes by controlling the privatization of Russia's command economy and by diverting aid meant for the Russian people.

According to Forbes, U.S. aid such as wheat is being illegally milled into flour, then reexported for an extraordinary profit. Donated American hot dogs are reportedly being sold from small kiosks all over Moscow, kiosks owned by the son of the Russian minister in charge of the program designed to distribute the food to Moscow's needy.

We cannot and should not interfere in the sovereign domestic rights of another Nation. But when we are sending our money to help the people of that nation, we can and we should expect an accounting of its use, especially under these present circumstances.

Today I am asking for a clear identification and accounting of this use. If we are going to continue to send money to Russia without a full accounting, we must know right now what is happening. We owe the taxpayers no less.

□ 1010

CONVERSING TO SOLVE OUR HEALTH CARE PROBLEMS

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

Mr. VOLKMER. Mr. Speaker, last night the Nation heard the words of our great President, Bill Clinton, who brought to the focus of this Nation the problems with the health care system. Back earlier in this year our President had appointed the First Lady to run the task force. She has done an outstanding job in doing that.

This Nation is now focused on the problems that we have in our health care system because of the efforts of our President and our First Lady. We need to now not debate whether we need health care reform. We need to converse as to what we can do to solve the problems.

The President and the First Lady have given us their solutions to these problems which will lead us to a proposal or a plan that would provide for security for all people in this country, knowing that forever in their life they would have health care. It also would lead to quality, affordable health care for all with the right to choose your own physician and your own hospital.

HEALTH CARE

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

Mr. GOODLATTE. Mr. Speaker, one out of every seven dollars in America is spent on health care. We now spend over $900 billion on medical care for Americans.

But the numbers do not really bear out the importance of the health care issue. That happens when a loved one gets sick and needs attention. Then, it becomes very important that the best health care is available.

We must reform health care to improve and maintain the good things in our current system—the best in the world. And, we need reforms to help find coverage for the millions of Americans without health insurance.

Yet, we must not allow the Government to create another huge, inefficient, ineffective, bureaucracy with Washington experts telling parents when, where, and how they and their children will receive medical treatment. And, telling small businesses and their employees that they have got to pay higher taxes so the Government can run yet another part of their lives.

The President has described the problems well. Now he must call for an open, bipartisan approach to finding the solution.

NO MORE AID TO RUSSIA

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

Mr. TRAFICANT. Mr. Speaker, even though Russia is in a turmoil, Uncle Sam wants to send Russia another $2.5 billion. Unbelievable, ladies and gentlemen. When will Uncle Sam ever learn that you just cannot put high-powered gasoline, tank after tank, into a toy car and think that that high-powered gasoline is going to make that toy car run.

I say let us stop this madness. This money may only end up building another bunker that may possibly protect a right-wing dictator in Russia. Let the Russian people finance democracy, and let us use the money in America. Let us not ship it overseas. Maybe we can plow it into some health care for every American rather than ending up maybe building another bunker for another dictator in Russia.

Think about that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would like to remind all persons in the gallery that they are here as guests of the House and should not be involved in approval or disapproval of the proceedings. That is in violation of the rules of the House.

THE DEVIL IS IN THE DETAILS

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

Mr. GRAMS. Mr. Speaker, in his speech last night, President Clinton made the right diagnosis, but offered the wrong prescription for our Nation's health care problems.

The President did an excellent job of identifying the problems with our health care system and defining the principles we need to keep in mind in order to reach the goal of making health care affordable for all Americans.

However, the devil in the President's plan is in the details.

To follow the Clinton prescription, we must believe that the Government

will reduce and not increase paperwork.

We must buy the argument that price controls will result in savings without cutting quality and leading to rationing.

We must be confidenced that Government programs will give us greater choice at less cost than the private sector.

And, we must somehow accept the argument that making employers bear the burden will not result in fewer jobs, less benefits, and lower wages.

Mr. Speaker, considering the way the Government has administered Medicare and Veterans health programs, and the way Government controls its own budget, I believe all Americans should be wary of handing our entire $900 billion health care industry over to the Federal Government.

Let us make sure we make change for the better, not for the worse. Let us make sure we do it right.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will have to tell our guests again that they may not participate in what takes place on the House floor. So the Chair wishes our guests would respect the wishes of the Chair and the rules of the House.

ASIA-PACIFIC ECONOMIC COOPERATION

Mr. UNDERWOOD. Mr. Speaker, the new Asia-Pacific Economic Cooperation Organization has the potential of being the cornerstone of a new Pacific community. However, it stifles the role of some vital players: U.S. territories.

Guam lies at the heart of Pacific Asia and is an economy far more tied to Asian developments than to the United States. Still, the State Department has deemed Guam's participation as a member economy of APEC as unwarranted.

APEC liberally calls its members economies, and the State Department states that it is not an organization of countries. But while China, for example, holds three different seats in APEC, one belonging to the crown colony of Hong Kong, territories such as Guam will only be permitted to participate through the United States seat. This gross misperception and misrepresentation is a clear example of the anomaly of territorial status and the inconsistencies in U.S. policies regarding territories.

I am disappointed that the State Department does not see Guam's importance and unique status in the Pacific economy. It seems only logical that Guam be permitted as a member economy in APEC, just like Hong Kong in this well thought out organization.

This House must seek to better define Guam's status and relationship with the United States and the State Department must become more sensitive to territories.

THE PRINCIPLES

(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, last night the President detailed six very admirable principles as it relates to health care. He talked about simplicity, security, savings, quality, choice, and responsibility.

He also talked about his desire to work with Republicans. So I would like to paraphrase the founder of our party, Abraham Lincoln, in his 10 points by asking the President to remember this:

Mr. President, you can't get simplicity by adding more bureaucracy. You can't guarantee security by promoting unemployment.

You can't get savings by paying the salaries of 300,000 additional bureaucrats. You can't encourage quality by discouraging the free-market.

You can't give the consumer choice by prohibiting consumer choice. You cannot encourage responsibility by taking away a person's initiative and independence.

Mr. Speaker, the principles by the President were fine and we support them. But his package will not fulfill those promises.

I urge him to work with those of us who have offered Republican alternatives so that we can get the job done.

□ 1020

HEALTH CARE BENEFITS FOR ILLEGAL ALIENS—A TROUBLING DETAIL

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

Mr. KIM. Mr. Speaker, last night the President gave us his health care plan. But, as they say, the devil is in the details. Here is one of the many details that needs fixing:

Illegal aliens are ineligible for guaranteed, government-paid benefits or so we thought.

But the plan mandates employers to pay for health care for all employees, regardless of immigration status.

There is an easy way to avoid making American businesses pay for illegal aliens' health care.

Let the INS have information related to the health insurance premiums paid by employers.

But, the Clinton plan expressly forbids the Government controlled health alliance from sharing this information with the INS—another part of our Government.

This is ridiculous and must be changed. We should be trying to control illegal aliens, not subsidizing their health care.

THE PRESIDENT HAS COURAGE AND VISION

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to commend the President for his courage and his vision in calling for heath care reform. Our President understands that health care is a right, not a privilege. I am very proud of the President for his leadership.

We are more than lucky, but blessed to have a First Lady who has taken the lead on health care reform.

All Americans must have health care—for the long-term good of our country. This is not a partisan issue. We must all pull together. We must all work together. And we must be bold.

I look forward to the day—and that day is coming—when all Americans will have quality health care.

Mr. Speaker, that can never, ever be taken away.

WAITING PERIODS PERMIT CRIMES TO OCCUR

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

Mr. BARTLETT of Maryland. Mr. Speaker, on March 30, 1981, John Hinckley attempted to assassinate former president Ronald Reagan. Had the Brady bill been the law of the land, nothing different would have happened, because Hinckley purchased his gun 5 months before the shooting. But waiting periods permitted crimes in the Los Angeles riots. Store owners who had guns were able to protect themselves and prevent looting. Those who did not have guns could not buy them because there was a waiting period; their shops were looted, and frequently they were injured.

No one wants guns sold to criminals, but a waiting period is not the answer.

I am today submitting a bill, the Felon Identification and Police Safety Act, which sets up a national computerized register of criminals and others who should not be able to purchase guns. The information under this act will be encoded on drivers license or the alternative identification card. Guns could not be purchased without an identification and a read-only device at the point of purchase, which would prevent the sale of guns to criminals.

This is a commonsense law that will provide every safety feature that is envisioned by the waiting period without inconveniencing law-abiding citizens.

MOVE FORWARD ON HEALTH CARE IN THE NAME OF THE AMERICAN PEOPLE

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

Mrs. LOWEY. Mr. Speaker, as I listened to President Clinton last night, I thought of the hundreds of New Yorkers whose very personal stories make clear why we must seize this moment to achieve real changes in our health care system.

I thought of Alan Benjamin of Rego Park, retired from the New York Port Authority, having endured brain surgery now finds himself confronting a bureaucracy of complicated forms and constant battles for reimbursements.

I thought of Natalie Hirsch of Larchmont, a 22-year-old liver transplant recipient. Her preexisting condition leaves her in constant fear of losing health coverage.

I thought of Mollie Horowitz of Yonkers, living on a fixed income, and facing over $1,000 a year in prescription drugs.

And I thought of hundreds of others: Small business people whose health care costs are threatening their ability to stay in business; families facing the emotional and financial stress of providing long-term care for a loved one; parents struggling to make ends meet and see that their children have regular checkups.

For Mollie Horowitz, for Alan Benjamin, for Natalie Hirsch, and for countless others, we must join together—in a sense of bipartisan cooperation—and work with this administration to structure an approach to health care that will ensure quality health care to all Americans at a price we can afford.

HEALTH CARE REFORM: WE HAVE SOME BROAD AREAS OF AGREEMENT

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

Mr. LINDER. Mr. Speaker, last night President Clinton laid out a broad outline for health care reform, listing six major principles necessary to deal with, six principles with which none of us can disagree.

There will be some disagreement as to how to reach those principles and how to achieve the reform he wants and we want.

Mr. Speaker, there presently exists in this House President Clinton's proposal, two other Democrat proposals, and three Republican proposals. And in those six proposals there are some broad areas of agreement. We all agree on tort reform, not entirely on the precise nature of it, but we agree it is necessary.

We agree that previously existing conditions should not force people out of the insurance system. We agree on uniform claim forms for insurance companies.

Mr. Speaker, I urge the President to grab those areas on which there is broad agreement today, pass them tomorrow. Let us get started on this arduous process. We can debate the broad divides that we have between us on philosophy, but let us agree on what we agree on tomorrow and begin the process.

THE PRESENT HEALTH CARE SYSTEM IS UNFAIR

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

Ms. SHEPHERD. Mr. Speaker, before I ran for the Utah Senate and for Congress, I owned a business, a publishing business. For 10 long, hard years I worked as small-business people work, dawn till dusk, trying to meet the bottom line. I felt it was my responsibility to provide health care for my employees, and I did—and I was punished.

I was punished every single time I went into the marketplace and made a bid on a contract. I was punished because I was the only publisher of my size with whom I competed that provided health care for my employees.

I did not get contracts, because I took responsibility and they did not. They were perfectly content to allow me to pay for health care for their employees.

Mr. Speaker, that is not fair. It is time for all Americans to step to the plate, it is time for all of us to take responsibility for the single most important thing in all of our lives: Our health care.

HEALTH CARE REFORM: WAIT UNTIL YOU SEE WHAT FREE HEALTH CARE COSTS

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

Mr. SMITH of Michigan. Mr. Speaker, last night after I heard the President's comments, my first reaction was that if you think our current health care system is expensive, wait until you see how much free health care costs.

This morning, though, Mr. Speaker, I rise to state my agreement with the President that we need to address reducing the costs of health care in this country.

This political body of Congress will find it easy to posture and debate on elements of health care reform on which we disagree.

However, I, like the previous two speakers, I think, urge my colleagues in Congress and the American people to begin the process of reform by considering in this year those areas in which we agree.

Let us move ahead with the President's suggestion of simplicity. We can start today with reducing the overzealous regulation and paperwork that we have imposed on health care providers. We can agree to allow small businesses the same low-cost employee health care advantage that is now available to big business. We can change our tax laws to allow 100 percent deductibility for those individuals who do not have health insurance provided by their employer, and we can agree to allow hospitals to share high-technology equipment without fear of antitrust laws.

Mr. Speaker, I urge my colleagues to sit down with the many bills that have already been introduced by both sides, and move ahead with health care reform.

□ 1030

TAKE ANOTHER LOOK AT SINGLE PAYOR HEALTH PLAN

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

Mr. JOHNSTON of Florida. Mr. Speaker, we all have our own ideas of what a perfect health care system should look like. But my friends, this is too important. Do not let perfection be the enemy of the good.

To those who are fighting for a single payor plan, I urge you to take another look. Do not be so certain that the Government has all the answers.

To those who are fighting for a pure form of managed competition, I beg you to be flexible. There is too much at stake to be strident .

To my Republican friends, I am hopeful we can work together. Let neither side be careless with our remarks.

My friends, on this matter of great importance I share Benjamin Franklin's wish that every Member, "doubt a little of his own infallibility".

This is America's business. Let us get past ideology and go to work.

TWO MESSAGES ON HEALTH CARE

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

Mr. HOKE. Mr. Speaker, I am in a state of complete confusion regarding the message from President Clinton on health care.

What I heard a week and a half ago with respect to the Government is that the Government is broken and it needs to be reinvented. Apparently now the Government is fixed and it is going to save our health care system. I do not understand the two messages.

I went to the Health Care University last week. I listened to the people who

were talking. I would call it more, claiming to be a refugee from the sixties myself, I think it could be more aptly described as a teach-in than Health Care University; but the message I heard there from Roger Altman and other members of the administration is that, in fact, this is going to create a new bureaucracy to manage all this; and yet I heard from the President last night that it is not going to create a new bureaucracy.

What I would admonish all my colleagues to do and the American people to do, Mr. Speaker, is to listen very, very carefully to the debate that is going to come out on this over the following months and find out exactly where the details are.

Is it going to create a new bureaucracy or not? Are there going to be more Government employees or fewer? Will you have greater freedom of choice or less?

"OOPS" NOT A GOOD ENOUGH EXCUSE FROM AT&T

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

Mr. MFUME. Mr. Speaker, when I looked at a publication last week and saw a major corporation like AT&T, representing the citizens of Africa with a cartoon of a gorilla in an in-house newspaper, I, like many of you, could not believe my eyes.

It is hard to imagine that in 1993 a publication could make it through multiple levels of art editors and managing editors and senior editors and no one realized the meanness of the act or the sheer offensiveness of the characterization.

AT&T called this a slip-up in the editorial process.

The members of the Congressional Black Caucus say that perhaps the harm was done long before the cartoon was ever drawn.

"Oops" is not a plausible excuse.

"Oops" does not prevent a reoccurrence.

We challenge AT&T to go beyond their meek apology and to put in place real programs and decision-making opportunities for African-Americans, Latinos and Asians, so that this shameful affront does not reoccur.

CORPORATE RESPONSIBILITY

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

Mr. TUCKER. Mr. Speaker, last night we heard from President Clinton. We heard about his health care plan, and this day we have heard a lot of responses from Members on both sides of the aisle.

The last point of the health care plan was about responsibility, Mr. Speaker.

Well, I would like to talk about another aspect of responsibility today, and that is the responsibility of our corporate citizens, to wit AT&T.

Yes, AT&T has been responsible for letting out a publication that demeans not only Africans, but people of color all over the country, a publication that depicts a gorilla in Africa as a representation of the people there, while people in the other continents around the world are represented by human beings.

Mr. Speaker, this caricature, this stereotype is the kind of thing that has gotten people like Margie Schott and Al Campanos the scorn of the country. It is the kind of thing that has made heads roll when people make this kind of slip-up and mistake.

AT&T should be held to no less standards. They should be responsible for this act.

As I understand it, no one has been fired yet, but the responsibility must not stop there. It is the responsibility of this Black Caucus and the responsibility of conscientious people all over this country to hold their feet to the fire and make sure that this does not happen again.

HEALTH CARE REFORM: THE PROMISE OF SECURITY

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

Mrs. CLAYTON. Mr. Speaker, as a new Member of Congress, I am particularly sensitive to the health care concerns of my constituents. During the election, I spoke with many individuals and families who were struggling to obtain access to high-priced health care.

All Americans, especially the disadvantaged, need health security for their families. Parents need the assurance that they will be able to provide primary and preventive health care services for their children. And all families need the assurance that they can care for their elderly loved ones without spending their life savings.

I know firsthand the problems the citizens of the First District of North Carolina face in their efforts to receive adequate health care. I know a widowed woman who fears that she may have to sell her home in order to provide continued health coverage for herself. I know workers whose employers do not provide health coverage for them or their families; others who are having to spend more and more of their limited income on their family's medical needs. I also know an individual whose employers provide good health benefits, but is fearful because she has been diagnosed with a form of cancer which may prevent her from working full time. This renders her without any health insurance.

Most Americans currently have good reason to fear because they lack adequate health coverage, but all will benefit from the universal coverage proposed by the President.

The President has provided a challenging proposal for health care reform; Congress should begin immediately to deliberate, consider, modify, and enhance his health care reform package for all Americans.

IN SUPPORT OF B-2 STEALTH BOMBER

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

Mr. McKEON. Mr. Speaker, today the House will resume consideration of the Department of Defense authorization bill. Among the many issues of importance in this legislation is the need for modernizing our Nation's fleet of bomber aircraft.

I am encouraged by proposals from the other body which suggest that production of the B-2 Stealth bomber be increased from 20 to 25 aircraft. I support this increase, and believe that it is in our best interest to preserve the Stealth component of our defense industrial base. This Stealth component, when combined with the addition of a precision strike capability outlined in the Defense Department's "bottom-up" review, will give our Nation a modern, mobile, and reliable bomber fleet.

Currently, assembly of the final B-2 bombers are nearing completion. I urge my colleagues to support efforts to continue production of the B-2, which will be an asset to our troops and our Nation for decades to come.

TIME TO FIX BROKEN HEALTH CARE SYSTEM

(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, recently just a minute ago the minority whip likened the mistake at the teleprompter last night to the Government. The message seemed to be that if the Government cannot run a TelePrompter, do you want it running health care?

Let me ask the other question. Do you like the present system? Do you like the way the insurance companies are running health care right now?

They are very efficient. They can deny a child coverage because of a preexisting illness on the basis of one lab test.

They are very efficient in handing out annual rate increases, as much as 35 percent sometimes to small businesses.

Do you like the same system with the paperwork that we have got, overwhelming paperwork that is returned to providers for failure to mark one blank?

Do you think this is an efficient system, when this country pays more per capita than any industrial nation and still leaves 37 million uninsured? That is efficiency?

What the President offered last night was flexibility, market incentives, reduced paperwork, and comprehensive health care.

I will take the challenge of the minority whip on the TelePrompter. The President saw the problem and fixed it.

Now it is time to do the same with a broken health care system.

PRESIDENT HAS WRITTEN FIRST PAGE OF HEALTH CARE BOOK

(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, the struggle to revamp the Nation's health care laws is a long, long book. Last night the President only wrote the first page, but what a first page it was. He showed he was ready to take on a difficult and long struggle. He showed he was able to focus the Nation on the proper questions as to how we should restructure the system, and most of all, the President showed empathy for the average American and what he or she must go through in these days of increasing costs and decreasing availability of care.

Of course, we all know, Mr. Speaker, that the devil is in the details in this plan.

In the next few months in my district the retired policeman or teacher will sit around their desks and their kitchen tables with their calculators figuring out how the plan affects them.

The senior citizen on Medicare or Medigap will ask, "How does it affect me?"

We will have to answer those questions.

□ 1040

However, my colleagues, if it is as the President stated last night, that his plan will cost the average American the same or less and give the average American the same or more, then no special interests will be able to stand in the way of this plan.

A UNIVERSAL HEALTH CARE PLAN FOR AMERICA

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

Mr. DEUTSCH. Mr. Speaker, last night the President's speech outlined a dramatic approach for this country, and hopefully 40 years from now we will remember last night the way we remember what Franklin Roosevelt did 50 years ago when we established the Social Security system, the same complaints, the same concern. But we have established what is probably the greatest social policy program in the world today.

The challenge the President addressed to us, the challenge for the Congress and for the American people that he has set out for us, is that this Congress, before we adjourn in January 1995, will pass a universal health care plan for America. That is the challenge.

On the facts about the economic impact, Mr. Speaker, every economist who has looked at the health care system in America, there is a universal consensus that we can have better, more health care, quality health care in this country at less cost and save money. There is no debate over that issue.

Finally, on the guiding principles that the President established, over the next several months, and literally over the next year, we will be working on the details, but, as long as we keep those guiding principles in sight, as long as we commit to meeting that challenge that the President laid out in this room yesterday evening of a universal health care plan for America, our goals will be achieved, and our results will be unbelievable.

CORPORATE-SPONSORED RACISM

(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 rise today to express my utter disgust at a recent internal publication which was circulated by one of the largest multinational corporations in America.

It is not gross insensitivity which allows for the portrayal of African people as gorillas "reaching out and touching someone."

It is racism and that is one commodity corporate America cannot afford to export.

How can we talk about a global community when some people persist in viewing not just a people, but an entire continent as subhuman?

There is no excuse for the publication of this cartoon and there should be no tolerance of it. The editors and the creator of this image must be held accountable.

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

The motion was agreed to.

□ 1045

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 further 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.

The CHAIRMAN., When the Committee of the Whole rose on Wednesday, September 22, 1993, the bill had been read through page 20, line 25.

The Clerk will read.

The Clerk read as follows:

KENTUCKY BRIDGE PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Owensboro, Kentucky, $12,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

77TH STREET RECONSTRUCTION PROJECT, RICHFIELD, MINNESOTA

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction of the 77th Street Reconstruction Project in Richfield, Minnesota, $7,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

Mr. MINETA. (during the reading). Mr. Chairman, may I ask what provision we are on right now?

The CHAIRMAN. The Chair would advise the gentleman that the Clerk was beginning to read the paragraph beginning on line 16, page 21, but had not commenced the reading of that paragraph.

Mr. MINETA. Let me ask about page 21, lines 1 through 7.

The CHAIRMAN. That section has been read.

Mr. MINETA. Mr. Chairman, I did not hear that portion being read, and I have a point of order on that provision.

The CHAIRMAN. The Chair would advise the gentleman that that section of the bill has been passed in the reading and would ask the gentleman if he desires to make a unanimous-consent request that the Committee return to that section.

Mr. MINETA. Since I did not, and I believe other Members have not heard that portion read, Mr. Chairman, I would ask unanimous consent that that portion be read for consideration at this point.

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

Mr. CARR of Michigan. Mr. Chairman, reserving the right to object, I do

so to really join with the gentleman from California [Mr. MINETA] in finding out where we are.

As the gentleman knows, and those who might be listening to our words may not know, we have been busy in some discussions in the hopes that we might resolve a few matters, and regrettably we were not attentive to the exact parliamentary situation here.

So, Mr. Chairman, would you tell us exactly again where we are? I regret asking again, but there are some things going on here. Actually what we are trying to do is expedite the bill. Would the Chair kindly tell us exactly where we are now again?

The CHAIRMAN. The Chair would advise the Committee that at the moment the reading has proceeded through line 15 on page 21. The Clerk was beginning to read on line 16 on page 21 at the time the question was raised.

Mr. CARR of Michigan. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The Committee will return to line 1 on page 21.

□ 1050

The Clerk will read.

The Clerk read as follows:

KENTUCKY BRIDGE PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Owensboro, Kentucky, $12,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

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

Mr. Chairman, I may have contributed to the confusion a moment ago by standing and trying to obtain recognition.

The CHAIRMAN. The Chair would inquire of the gentleman from Minnesota [Mr. OBERSTAR] if the gentleman desires to raise a point of order with respect to the language commencing on line 1, page 21?

Mr. OBERSTAR. Mr. Chairman, no, I do not.

The CHAIRMAN. Are there any points of order to be raised to that language?

POINT OF ORDER

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

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

Mr. MINETA. Mr. Chairman, I raise a point of order against page 21, lines 1 through 7, on the basis that this provision violates clause 2 of rule XXI. First of all, this project is unauthorized. And while there have been previous appropriations, the project has never been authorized by law.

In addition, the period of funding availability until September 30, 1997, is not authorized.

Also, 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 a project not authorized by one of these laws, it has the effect of changing existing law, and, therefore, is in violation of rule XXI.

Finally, 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.

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 project in this paragraph does not meet this test. Thus, Mr. Chairman, for the reasons enumerated above, lines 1 through 7 on page 21 are in violations of rule XXI and subject to a point of order.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] desire to be heard?

Mr. CARR of Michigan. Mr. Chairman, I do. This falls within the exceptions in rule XXI for works in progress, and we would ask the Chair to rule.

The CHAIRMAN (Mr. BOUCHER). Do other Members desire to be heard on the point of order?

The Chair is prepared to rule.

The gentleman from California [Mr. MINETA] makes the point of order that the funds appropriated in the paragraph entitled "Kentucky Bridge Project" are unauthorized and thus in violation of clause 2 of rule XXI. The gentleman from Michigan has argued that although the funds are indeed 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 need not rule on whether this project is exclusively a federally owned project.

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 moneys 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. Therefore, the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

77TH STREET RECONSTRUCTION PROJECT, RICHFIELD, MINNESOTA

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction of the 77th Street Reconstruction Project in Richfield, Minnesota, $7,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

34TH STREET CORRIDOR PROJECT, MOORHEAD, MINNESOTA

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction of the 34th Street Corridor Project in Moorhead, Minnesota, $5,750,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

MCCLELLAN AVENUE PROJECT, MARQUETTE, MICHIGAN

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for continuing construction of the McClellan Avenue Project in Marquette, Michigan, $2,900,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

OTHER SURFACE TRANSPORTATION PROJECTS

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for certain highway and surface transportation projects and parking facilities, including feasibility and environmental studies, that improve safety, reduce congestion, or otherwise improve transportation methods, $48,003,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

OTHER HIGHWAY PROJECTS AND FACILITIES

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for other highway projects and facilities, including feasibility and environmental studies, that improve safety, reduce congestion, or otherwise improve transportation methods, $85,550,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

Mr. CARR of Michigan (during the reading). Mr. Chairman, in order to expedite the process here, I ask unanimous consent that that portion of title I, down through page 22, line 24, 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 CHAIRMAN. Are there points of order to the text incorporated within the unanimous-consent request of the gentleman from Michigan [Mr. CARR]?

POINT OF ORDER

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

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

Mr. MINETA. Mr. Chairman, I have a point of order against certain provisions here, and I will start with page 21, lines 8 through 15.

I raise a point of order on the basis that this violates clause 2 of rule XXI. The basis of these points of order really

is based on rule XXI, although the justifying reasons vary with each of the various provisions.

If there is no objection, I will ask that my statement be made part of the RECORD relative to each of these points of order, if the gentleman from Michigan [Mr. CARR] does not object and will concede these points of order.

Mr. CARR of Michigan. Mr. Chairman, we concede the points of order.

The CHAIRMAN. The Chair will advise the gentleman from California [Mr. MINETA] that since all five paragraphs are read, he may make his point of order with respect to all five paragraphs.

Mr. MINETA. Mr. Chairman, since the gentleman from Michigan [Mr. CARR] has conceded the points of order, I will go ahead and submit these statements.

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

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

The CHAIRMAN (Mr. BOUCHER). The point of order with respect to the five sections is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

BORDER HIGHWAY PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for the border highway project authorized in Public Law 89-795, $8,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

POINT OF ORDER

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

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

Mr. MINETA. Mr. Chairman, I raise a point of order against page 23, lines 1 through 6. This provision violates clause 2 of rule XXI.

First of all, this project is not authorized for appropriations from the highway trust fund. In addition, the period of funding availability until September 30, 1997, is not authorized. Also, 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 a project not authorized by one of these laws, it has the effect of changing existing law, and, therefore, is in violation of rule XXI.

Finally, this provision does not come within the exception to rule XXI, clause 2, for continuation of appropriations for public works and projects which are already in progress. 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 project in this paragraph does not meet this test.

Thus, for the reasons enumerated above, page 22, lines 17 through 24, is in violation of rule XXI, and subject to a point of order.

The CHAIRMAN. Does the gentleman from Indiana [Mr. VISCLOSKY] seek recognition?

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

The CHAIRMAN. Does the gentleman from Indiana wish to speak on the point of order?

Mr. VISCLOSKY. Mr. Chairman, I wish to speak on the point of order.

Mr. Chairman, I would advise the Chair that I wish to make a comment relative to the last point of order. I would point out to the Chair I was on my feet and not recognized, and would simply like to make a comment by striking the last word.

The CHAIRMAN. The Chair would advise the gentleman from Indiana [Mr. VISCLOSKY] that such a comment could be made at the appropriate time by a motion to strike the last word. At the moment the Chair is entertaining debate on the question of the point of order.

Does any Member desire to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLEMAN. Mr. Chairman, I understood that we had started page 23, is that not correct? We are still on page 22. This point of order was raised to a section called "Other Highway Projects and Facilities," lines 17 through 24, on page 22.

The CHAIRMAN. At the moment the Clerk has read on page 23, beginning on line 1, and the point of order has been raised to the section beginning on line 1 and continuing through line 6 on page 23.

Mr. COLEMAN. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. COLEMAN. Mr. Chairman, as has been discussed, Mr. Chairman, rule XXI, section 2(a) provides that "No appropriation shall be reported in any general appropriation bill, or shall be in order as an amendment thereto, for any expenditure not previously authorized by law, except to continue appropriations for public works and objects which are already in progress." I believe that the Boarder Highway project in my district qualifies under that portion of the sentence which pertains to an expenditure "authorized by law" and "to continue appropriations for public works and objects which are already in progress."

Public Law 89-795 clearly authorizes a border highway along the United States bank of the Rio Grande River in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico in 1963. In fact, August 28 was the 30 year anniversary of this historic treaty. This agreement, originated by President Kennedy and completed by President Johnson and President Adolfo Lopez Mateos to correct the changing international boundary at El Paso and Ciudad Juarez, created a permanent river channel. It also clearly envisioned the creation of a border highway along the international boundary.

While portions of the highway have already been completed, the current border highway project in El Paso continues the work contemplated in 1966 when the authorization was signed into law by permitting additional right of way acquisition and construction. As trade increases between the United States and Mexico, the need for a border highway becomes more necessary.

In addition to considerations related to increased commerce, this highway construction will increase safety and emergency access in the area. Furthermore, construction of the highway will alleviate congestion on other roads in the area and contribute to the preservation of the historic El Paso area missions, which date back to the 17th century. Construction will also improve economic development and create jobs in this economically depressed region of the country.

The chronology of the border highway project in El Paso dates back to 1963 when El Paso mayor, Judson Williams, and International Boundary and Water Commissioner, Joseph Friedkin, met with Federal and State officials to discuss construction of the border highway paralleling the new river channel. Ten governmental agencies met to coordinate the project including the Federal Highway Administration, the old U.S. Bureau of Public Roads, and the Texas Highway Commission. My predecessor, Congressman Richard White, Senator Ralph Yarbrough, and Texas' favorite son, President Lyndon Johnson were all personally involved in this project.

Under the authorization, the Secretary of Transportation is permitted to construct a border highway in conjunction with the State of Texas and city of El Paso.

In addition to the authorization, last year's Transportation appropriations bill provided $1.6 million for the border highway project in Texas. This money provides for feasibility studies, preliminary engineering and design, environmental studies, right-of-way acquisition, improvements, and construction of roadways of the highway during the current fiscal year. This phase will lead directly into further right-of-way acquisition and construction, and clearly

lends itself to consideration as a project already in progress as permitted by rule XXI.

I have obtained letters of explanation and news release from the State of Texas Department of Transportation in support of the work in progress argument I am making today. In fact, the State of Texas has informed me that the border highway project is part of the State project development plan and within the transportation improvement plan for the El Paso region.

For all of these reasons, I request that the point of order against this provision be overruled by the Chair.

□ 1100

Mr. Chairman, the State of Texas has informed me that the border highway project is part of the State project development plan and within the transportation improvement plan for the El Paso region. I would ask, Mr. Chairman, for those reasons that the point of order against this provision be overruled by the Chair.

The CHAIRMAN (Mr. BOUCHER). Is there further discussion on the point of order?

The Chair is prepared to rule. For the reasons stated in sustaining the previous point of order, this point of order is also sustained. The precedent cited by the gentleman from Texas, the statute referred to in his remarks, Public Law 89–795, authorized general fund appropriations, not appropriations from the highway trust fund. The section in question on page 23 makes appropriations from the highway trust fund, and, therefore, the statute is not an authorization for these appropriations and the "work in progress" exception does not apply.

For these reasons, the point of order is sustained.

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

The CHAIRMAN. The gentleman from Indiana [Mr. VISCLOSKY] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. MINETA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MINETA. Mr. Chairman, if I might inquire of the Chair, does this include at this point a point of order, or does this still allow me the right to raise a point of order, although the gentleman from Indiana [Mr. VISCLOSKY] has been recognized to strike the requisite number of words?

The CHAIRMAN. The Chair would tell the gentleman from California that a point of order could still be made to the paragraph beginning on line 7, page 23. The Clerk has not read that paragraph at this time.

The Chair has recognized the gentleman from Indiana for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would advise Members that my remarks pertain to the bill beginning at page 22, lines 17 through 24. Although the issue has been cited, I do feel constrained to remark about the contents of the legislation.

As a member for nearly 7 years of the Committee on Public Works and Transportation, I appreciate the concerns of the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] relative to the jurisdiction of their committee, and to protect their prerogatives under the authorization process.

I also appreciate the comments that were made by the gentleman from West Virginia that indicated that their committee was not sitting idle, that they had extensive oversight hearings for 5 days, that they had heard from countless groups across the country about the efficacy of ISTEA, and that the technical corrections bill that was formulated in the House failed only because of inaction in the other body.

The gentleman from Pennsylvania had also indicated that he would consider in the future moving to ensure a 2-year legislative cycle in terms of the authorization process. I, too, have a responsibility. My responsibility is to protect the people that I represent.

On Dr. King's birthday this year, January 18, there was an accident on the South Shore South Bend Railroad in the city of Gary, IN, on the Gantlet Bridge where east- and westbound tracks came together on a single roadbed. The wall that passed through each train, as it was described in the media, was like a giant razor blade, said the chief of the fire department in Gary, IN, Benjamin Perry. "We had a lot of people decapitated."

We also had a 10-year-old traveling by himself to see his father in the city of Chicago who was killed. He was among seven individuals on that train in January of this year who were killed. More than 70 were injured. It was the second accident on that single-lane bridge since 1985, and it was the deadliest accident on that railroad in 87 years.

I was on the Committee on Public Works and Transportation when the ISTEA was enacted, but, certainly, the arbitrary formulas that were developed at that time could never have anticipated the tragedy that occurred in Gary, IN, on January 18.

The $6 billion of earmarks that were thoughtfully considered by the committee also could never have anticipated the tragedy that occurred this year. I appreciate that we had a technical corrections act. That failed. But appropriation bills move through this body every year. There is a vehicle to take care of these types of safety concerns, and as the legislation itself talks about, the projects earmarked in the paragraph I am discussing were for safety.

I cannot wait for oversight hearings to be completed. I cannot wait for a change in policy in terms of the authorization cycle to be completed. We need to restore the confidence of every man, woman, and child on that train going east and west in Gary, IN, and in northern Indiana, throughout the year.

I am disappointed that the motion to strike was not defeated. I appreciate the internal politics in the Chamber, but I would hope that in the future we can reach a balance in terms of a recognition that the roles and responsibility to save lives and improve the commerce and the movement of people and goods in this country could be balanced.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY WIDENING PROJECT

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for the continuation of the widening of State highway 35 from Houston to Alvin and Angelton, Texas, $9,400,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1997.

HIGHWAY PROJECT STUDIES

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for feasibility and environmental studies for certain highway and surface transportation projects and parking facilities that improve safety, reduce congestion, or otherwise improve surface transportation, $7,150,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1996.

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 on page 23, lines 7 through 13. This provision violates clause 2 of rule XXI. First of all, this project is unauthorized. The period of funding availability until September 30, 1997, is not authorized. Also, this provision appropriates money out of the highway trust fund, contrary to section 950(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 a project not authorized by one of these laws, it has the effect of changing existing laws, and, therefore, it is in violation of rule XXI.

Finally, this provision does not come within the exception to rule XXI, clause 28, for continuation of "appropriations for public works and projects or objects which are already in progress."

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 as required that the United States actually hold title to the road, and the projects in this paragraph do not meet this test.

Thus, for the reasons enumerated above, Mr. Chairman, I raise a point of order against the provision on page 23, lines 7 through 13, and ask for a ruling on this point of order.

□ 1110

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

Mr. STUPAK. Mr. Chairman, I rise against the point of order.

The CHAIRMAN. The gentleman from Michigan is recognized on the point of order.

Mr. STUPAK. Mr. Chairman, I rise against the point of order on line 1. page 22 of the transportation bill. The language in question effects the completion of funding for the McClellan Avenue in Marquette, MI.

First, I would like to commend the chairman of the Subcommittee on Transportation, the gentleman from Michigan [Mr. CARR] for the rigorous criteria he set forward in this transportation bill in order to enable these projects to be placed in the bill. It is refreshing for a freshman Member like myself to see that such requests for funding were judged on their merits and not on politics.

But the reason why I rise today is that the McClellan Avenue project was previously federally funded and is an ongoing project. The Federal Government and the Michigan Department of Transportation have been working toward the completion of McClellan Avenue since 1979, beginning with the first part of this project, the U.S. 41 bypass. Under rule XXI, clause 2(a) of the rules of the House, a provision dating back to 1837, projects that are ongoing are protected against points of order like the one lodged by the distinguished chairman of the Committee on Public Works and Transportation, and I respectfully request that the Chair overrule the point of order.

As my friend from Iowa [Mr. LIGHTFOOT] stated yesterday, "Those raising this point have argued that the House precedents have established that a general system of roads on which some work has been completed cannot be admitted as work in progress."

As was the case yesterday, McClellan Avenue is not a general system of roads. Rather, it is a specific improvement project designed to relieve congestion that is strangling the business district of Marquette County. It is an ongoing project. Right now the road is halfway completed with a snow fence preventing further traffic from going down the half-completed roadway.

If this project is approved, it can be completed in the fiscal year that we are arguing on this transportation bill. Therefore, I would argue the gentleman to withdraw his point of order on this particular project.

The CHAIRMAN. Does any other Member desire to be heard on the point of order on the pending paragraph?

Mr. WOLF. Mr. Chairman, on behalf of the gentleman from Texas [Mr. DELAY], who wanted to be heard on this point of order, I am going to raise it on his behalf and at his request.

The CHAIRMAN. The gentleman from Virginia is recognized on the point of order.

Mr. WOLF. Mr. Chairman, on behalf of Mr. DELAY, I would like to take this opportunity to justify to the House this very important and timely project which runs through Mr. DELAY's congressional district.

Existing Highway 35 runs from the city of Houston south to the city of Angleton, TX. This project, as Mr. DELAY I think rightly says, is roughly 50 miles long, and once the road reaches Angleton it travels west to Corpus Christi which is roughly 130 miles down the road.

The question that Mr. DELAY asks is why is the project justified. Mr. Chairman, he views this project as proposed in the bill before us today as a project that was overlooked during the consideration of the ISTEA legislation. Let me explain what Mr. DELAY means by being overlooked.

During consideration of the ISTEA legislation there was a provision added by another gentleman from Texas, Congressman LAUGHLIN, to construct a new multilane freeway from Corpus Christi north to Angleton, TX. The new multilane freeway is to be built on existing Highway 35 right-of-way. This project was authorized in the ISTEA legislation at $41.7 million.

For the most part, the Highway 35 project parallels U.S. 59, which runs in the same direction and is a four-lane divided highway. In fact, as Mr. DELAY said, most of the east-west traffic in this part of Texas travels on U.S. 59 because it runs right through the city of Houston, the fourth largest city, as Members know, in the Nation.

Here is the key. The highway project that is authorized in the ISTEA legislation is a valuable one, moving traffic from south Texas and the Corpus Christi area to Angleton, some 50 miles from the city of Houston. Why the project ended there, Mr. DELAY really is not sure. But this is where the authorization ends.

The logical extension of Highway 35, after traveling well over 100 miles from Corpus Christi, would be to continue the road improvement into Houston. In fact, if the road was completed all the way to Houston, the majority of the traffic would be in the stretch of road from Angleton to Houston, not from Corpus Christi to Angleton. So you see, the busiest portion of the highway did not get any consideration during the ISTEA.

That is why this particular project has its own category in this legislation today. The uniqueness of this highway project did not allow it to properly fit in other highway categories. The committee believed that because of the obvious oversight of this highway project, and because it connects directly with an ISTEA authorized project, Mr. DELAY might have an opportunity to include it in the bill today.

Mr. Chairman, Mr. DELAY believes strongly that the highway widening project slated for Highway 35 in the ISTEA legislation can be found under section 1107 of the act entitled "Innovative Projects." This project is indeed innovative, but not until the logical extension of the road is completed to serve the fourth largest city in America.

In Houston, where everyone knows the traffic jams are legendary, under Mr. DELAY's leadership they are making a big difference here in providing substantial progress with mobility because of the well-planned regional bus program. However, more good highways are needed now to help complete Houston's mobility needs.

Today we have an opportunity to direct this oversight and keep traffic moving. Mr. DELAY is in a meeting so he could not make it here but is on his way, but he would hope that they would not insist on the point of order and allow this project to move ahead. And on behalf of Mr. DELAY he sincerely hopes that this request would be lived up to.

The CHAIRMAN. Do any other Members desire to be heard on the point of order?

Mr. REGULA. Mr. Chairman, I would like to say a few words in opposition to the point of order.

The CHAIRMAN. The gentleman from Ohio is recognized on the point of order.

Mr. REGULA. Mr. Chairman, the Public Works and Transportation Committee passed an excellent bill in ISTEA in 1991. But here we are and it is almost 1994, and I think the exercise we are going through here on the issue of points of order on this bill illustrates one of the problems. That is where there is a need we cannot address simply because of the time delay on authorization.

I think that we ought to change our procedure in the House to allow an authorization bill each year so that those of us who have projects that deserve consideration will have an opportunity to do so. And specifically one that is in this bill is an appropriation for bridges in Stark County which is part of the 16th District. These bridges are a real safety hazard and consequently, because the problems need to be addressed immediately or we are going to have possible accidents and threats to the security of those using the roads, we should be able to go forward with this particular appropriation. It is not a lot of money and it will generate substantial State and local funds.

But because of the delay in having an authorization bill, it is impossible to

bring the issue before the appropriate committee. These bridges are described in one of the local newspapers where it says, "Residents cross over decaying bridges." "No repair money spells big problems." "Bridges heavy for ambulances." And one of the bridges has actually partially collapsed, and as a result ambulances and school buses can no longer use it.

This is just one example of a crumbling infrastructure problem that we are unable to respond to because of the points of order that have been raised on transportation projects in this bill. I would hope that the authorizing committee would give consideration to having a bill each year so that there is an opportunity to address serious problems that exist in each of the communities that we represent here, and that we would have an opportunity to bring the evidence in front of that committee so that we would not be confronted with the problem that we have today.

Is the gentleman from Ohio [Mr. TRAFICANT] wishing to speak on the point of order to the pending paragraph?

Mr. TRAFICANT. To a degree, Mr. Chairman.

The CHAIRMAN (Mr. BOUCHER). The Chair at the moment is entertaining discussion on the point of order.

The Chair is prepared to rule on the point of order.

For those reasons stated by the gentleman from California in making a point of order, and sustained in prior points of order, the point of order is sustained.

□ 1120

PARLIAMENTARY INQUIRY

Mr. MINETA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MINETA. Mr. Chairman, the fact that the Clerk has now read page 23, line 14, does this preclude me from raising a point of order if the gentleman from Ohio [Mr. TRAFICANT] is recognized?

The CHAIRMAN. The point of order will have to be made first.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order on page 23, line 14.

The CHAIRMAN. The Clerk will read the paragraph beginning on line 14.

The Clerk read as follows:

HIGHWAY PROJECT STUDIES

(HIGHWAY TRUST FUND)

For up to 80 percent of the expenses necessary for feasibility and environmental studies for certain highway and surface transportation projects and parking facilities that improve safety, reduce congestion, or otherwise improve surface transportation, $7,150,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1996.

The CHAIRMAN. For what purpose does the gentleman from California rise?

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against the provision on page 23, lines 14 through 22.

This provision violates clause 2 of rule XXI because it would appropriate $7.150 million out of the highway trust fund for general feasibility and environmental studies. These studies are not authorized.

In addition, the period of funding availability until September 30, 1996, is not authorized. Thus this provision constitutes an unauthorized appropriation and is subject to a point of order.

The CHAIRMAN. Do other Members desire to be heard on the point of order?

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

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. DELAY. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, I would just like to take this opportunity to justify this very important and timely study for a highway which runs through a portion of my congressional district; I do not understand what obviously is going to be the ruling on this particular project.

A portion of U.S. Highway 59 in and near Houston, TX, otherwise known as the Southwest Freeway, is a major artery for traffic into and around the Houston metropolitan area. The portion of the Southwest Freeway I am concerned about runs from the center of Houston to the southwest through my hometown of Sugar Land, continuing on out to Rosenberg, TX. This is the proposed super highway from the Canadian border to Mexico. Houston is a growing city. The surrounding area has exploded. In fact, in recent years, Fort Bend County, which is the county where the highway study would be made, has been the fastest growing county in the Nation. There has been a literal explosion of population to the southwest of Houston.

Mr. Chairman, the Federal Highway Administration and the Texas Department of Transportation have made incredible efforts to keep up with the demands on the highway system in this area. Roughly 13 miles of the Southwest Freeway from the center of Houston out to Beltway 8, has recently completed years of construction to widen and increase the overall capacity of the highway. The highway has been widened in some places to 12 lanes. Further, the State has already started in motion the design and engineering of the next portion of the Southwest Freeway which takes the improved road out another 5 miles. This portion of the highway will eventually have five lanes of traffic in each direction.

Where is the problem and why am I defending this $250,000 study? The State does not have the money to get the ball rolling on any further extension of this highway. However, the need is extreme.

Again, Fort Bend County has been in recent years the fastest growing county in the Nation. Even if the road projects that were underway were completed today, it still would not be enough—the widening of highway 59 to Rosenberg, TX is needed now.

One could argue that the request for $250,000 for this highway study is authorized. Under section 1105 of the ISTEA legislation titled "High Priority Corridors on National Highway System" U.S. Highway 59, including the portion of the highway I propose to study, has been designated a high priority corridor. Under this designation there are several interesting factual points the ISTEA legislation makes.

Under section 1105(b) there is an explanation of the purpose of this section. And I quote,

> It is the purpose of this section to identify highway corridors of national significance; to include those corridors on the National Highway System; to allow the Secretary, in cooperation with the States, to prepare long-range plans and feasibility studies for these corridors; to allow the states to give priority to funding the construction of these corridors; and to provide increased funding for segments of these corridors that have been identified for construction.

U.S. Highway 59, the Southwest Freeway, is the high priority corridor the ISTEA legislation speaks about. I sincerely hope that the gentleman would not insist on his point of order and allow this study to proceed and assist in the mobility of those who use this important artery.

Mr. Chairman, in my opinion, this is an authorized project, it is authorized money, and I urge the Chair to rule against the point of order.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

For those reasons stated by the gentleman from California [Mr. MINETA] in making the point of order, and sustained in prior points of order, the point of order is sustained.

The Chair recognizes the gentleman from Ohio to strike the last word.

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

Mr. Chairman, I would like to make a few comments as we move on. First, I had raised a number of points of order several years back on the House Treasury and Postal Service bill, and I got an awful lot of flack. I would like to say this: I never raised a point of order on any Member's project in their district. I rise today for two reasons: First, I rise to join forces with and to be associated with the remarks of the gentleman from Ohio [Mr. REGULA]. I believe a 5-year bill must be revisited each year by the static needs of America in our intermodal transportation network.

But second of all, I think it is important to say that Congress should take a very close look at House rules, especially as we talk about reinventing Government. I think it is most important that we do not waive points of

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order on appropriation bills, but we do allow the authorizing committees to visit each and every important issue we face as a Member or, in fact, this Nation.

I would like to say to the gentleman from Michigan [Mr. CARR] that there are an awful lot of things that perhaps the authorizing committee could have looked at and should have looked at, but were constrained by this 5-year bill. I think all the public-works people should be joining forces; this need not happen.

I think the authorizing and appropriating committee can get together a little bit better than this. But I have to see individual Members' projects hurt. If it is in fact because of the fact the Public Works Committee is not addressing them in a timely fashion, then let us make sure we do not have any more of this constraint by 5-year deals that do not allow us to visit each year public-works needs.

I want to close out by saying I have been caught in the trap of this 5-year deal too much myself. I have several freeway systems that have never been connected. And I am right in the middle of this country.

I certainly am not going to continue to see us resist the appropriators if the authorizers are not going to deal with the issues facing this country.

So, with that, I would just encourage again these open rules without waiving points of order, and I would hope, when it comes down to individual projects, we understand the dynamics in each case; sometimes many of these projects are warranted.

AMENDMENT OFFERED BY MR. CARR OF MICHIGAN

Mr. CARR of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARR of Michigan: On page 23, after line 22, insert the following:

KENTUCKY BRIDGE PROJECT

For up to 80 percent of the expenses necessary for continuing construction to replace the Glover Cary Bridge in Ownesboro, Kentucky, $12,000,000.

Mr. WOLF. Mr. Chairman, I yield the gentlewoman from Jacksonville, FL, who I believe wanted to comment on this point of order with regard to the Fuller Warren Bridge.

The CHAIRMAN. The Chair would advise the gentleman that there is no point of order pending at the moment. The gentleman from Michigan has submitted an amendment.

□ 1130

POINT OF ORDER

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

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

Mr. MINETA. Mr. Chairman, I raise a point of order in order to explain clearly to the House what this amendment is all about.

This amendment would provide funds for the very same project I just struck a little while ago on a point of order.

Now, the stricken provision would have funded this project out of the highway trust fund. For that reason and for other reasons that I have stated, this provision is in violation of rule XXI.

This amendment is a redraft of that provision and it provides funding for the project out of general funds and not highway trust funds.

It also limits the availability of funding for fiscal year 1994, thereby curing another violation in the earlier provision.

Thus, it is my understanding that the amendment, since it provides general funds and cures the rule XXI violations in the earlier version, is not a violation of rule XXI because it falls under the "work in progress exception." As I have stated, that exception is a very narrow one. In fact, this is the only highway project in the bill to which the particular set of circumstances of this project would apply.

The focus of all my points of order, as I stated yesterday and previously today, is when there are violations of rule XXI to which I objected in the Rules Committee, and those I will challenge; but since this amendment is not in violation of rule XXI, I will not press my point of order.

Obviously, Members will have to decide for themselves the merits of the amendment.

So, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The gentleman from Michigan [Mr. CARR] is recognized for 5 minutes.

Mr. CARR of Michigan. Mr. Chairman, as was just recently stated, this is a project that has been going on for a number of years. In fact, it is a project for which this House has provided funding each year for the past 5 years, not including 1994. The project is well underway. The funds we have recommended here will keep the construction on track.

I might add, Mr. Chairman, that although this project has not been included in an authorization bill, it is a prime example of the type of cooperation and understanding that used to prevail in this body. I, for one, hope it will be possible to return to that type of comity.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CARR].

The amendment was agreed to.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to have spoken earlier on the point of order.

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.

The Jacksonville, FL, 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.

Mr. Chairman, I would ask that we do not strike this project from the bill. This is a safety measure. It is not a demonstration project. It is a public safety measure and we need to begin working to get a replacement as soon as possible.

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

Mr. Chairman, I do this to recognize the distinguished chairman of the full

Appropriations Committee, the gentleman from Kentucky [Mr. NATCHER].

I think the House should note that a few moments ago we missed the opportunity to make a point of order against a provision which was in the bill. We moved on past that provision, so anybody could have stood up.

The only way we could get at it was through unanimous consent. Anybody could have objected to that unanimous-consent request.

The distinguished chairman of the full Appropriations Committee, the gentleman from Kentucky [Mr. NATCHER] could have objected and the provisions he likes would have been in the bill. He did not do that.

I think it is a measure of the fairness and the integrity of the gentleman from Kentucky, the distinguished chairman of the full committee, that he let us go back to deal with that particular provision. We were able to make a point of order, and we were able to strike it, only because of the integrity and the fairness of the gentleman from Kentucky. I think that needs to be noted.

So I, for one, was very pleased as we moved along in this debate to support the amendment that was offered for the gentleman from Kentucky. I think this House once again has a measure of this man, this distinguished American patriot.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $74,221,000, to remain available until September 30, 1996.

AMENDMENT OFFERED BY MR. COLEMAN

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

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: At the appropriate point in the bill, add the following:

BORDER HIGHWAY PROJECT

For up to 80 percent of the expenses necessary for the border highway project authorized in Public Law 89-795, $8,000,000.

Mr. MINETA. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SHUSTER. Mr. Chairman, I also reserve a point of order on the amendment.

Mr. COLEMAN. Mr. Chairman, let me say to the Chairman of the Committee of the Whole, if the Chair could direct somebody to make copies of that amendment to be certain during the time following my argument in behalf of this amendment, they will be provided a copy.

I did not, by the way, ask that it not be read. I think if the gentleman was listening could have heard exactly what the amendment does. It merely appropriates money for a measure that was authorized, in the same amount that was authorized, back in 1966.

Mr. Chairman, I would ask for passage of this amendment. The reasons that I have given before, of course, are to see to it that the level of service that we can provide for the Border Highway would provide relief for existing traffic congestion at the Socorro Road and highway 20, a project that provides significant economic revitalization to the cities of El Paso and Socorro. The extension is a major construction project that is designed to protect the historic Mission Trail located in El Paso County. It would help relieve air quality to a large extent.

We also try, to move traffic away from just freeways. In fact, this four-lane extension is certainly appropriate and was provided for and authorized in the legislation passed in 1966.

Mr. Chairman, I would ask for adoption of the amendment, and I exclude for the RECORD letters from the Texas Department of Transportation:

TEXAS DEPARTMENT OF TRANSPORTATION,
El Paso, TX, July 27, 1993.

Hon. RONALD D. COLEMAN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN COLEMAN: In reference to the extension of the Border Highway from Zaragosa Road to the Fabens Port of Entry, we offer the following information. The U.S. Department of Transportation allocated to the Texas Department of Transportation $1,600,000.00 in federal funds for the development of this project as well as two other projects on Loop 375. The Texas Transportation Commission approved these projects for feasibility studies as part of the Federal Demonstration Projects Program by Minute Order Number 102310 dated May 25, 1993.

The El Paso Metropolitan Planning Organization (MPO) has included this project, the extension of the Border Highway from Zaragosa Road to the Fabens Port of Entry, in the proposed 1994 Transportation Improvement Plan (TIP) which is scheduled to be approved in September 1994. Further, we are planning to begin a feasibility study to determine a route and other aspects of this project in the fall of 1994. A consultant will be selected to conduct this study. Prior to the feasibility study, we will be conducting a Value Engineering Study in which we will determine the objectives we wish to obtain from the feasibility study.

We are now pursuing this project in a diligent manner and we will continue to do so after the feasibility study is complete. Another project which is now in the planning process is the extension of Yarbrough Drive north to Fred Wilson Drive (Inner Loop). This project is also included in the 1994 TIP and is scheduled to be approved for a feasibility study by the Texas Transportation Commission on July 29, 1993. The Inner Loop project is included in the Airport Study being conducted by the City of El Paso. It will also be pursued in a diligent manner.

If further information is required, please contact me at (915) 774-4220.

Sincerely,

CARLOS V. DOMINGUEZ, P.E.,
Director of Transportation, Planning and Development.

TEXAS DEPARTMENT OF TRANSPORTATION,
Austin, TX, July 27, 1993.

Hon. RONALD D. COLEMAN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN COLEMAN: In the 1993 Appropriation Act, the United States Congress authorized a $1.6 million feasibility study for the extension of the Border Highway (Loop 375) from Zaragosa Street to the City of Fabens.

As you know, the existing highway facilities serving this area (FM 258 and SH 20) are either experiencing congestion or approaching capacity. Additional capacity in this area will be required to provide for the mobility needs of the public.

In order to assure that an adequate transportation system is provided to meet the mobility needs of the public, the Department is diligently pursuing this study. The Department supports the concept of the "Border Highway" as a method to address the needs. The feasibility study will include environmental studies and public input on project alternatives.

Your efforts in Congress to provide assistance are greatly appreciated.

Sincerely,

ARNOLD W. OLIVER, P.E.,
Executive Director.

BORDER HIGHWAY STUDIES AUTHORIZED

El Paso will reap the benefits of $1.6 million in federal transportation funds to study the Border Highway (Loop 375).

The Texas Transportation Commission ordered that three highway demonstration projects on the U.S.-Mexico Border Highway at El Paso be added to the 1993 Transitional Project Development Plan.

The three proposed projects in El Paso county are: Loop 375 from Texas 20, 0.47 mile north of Borderland Road, to Loop 375 (Transmountain Road), 0.13 mile west of Interstate 10; Loop 375 from Santa Fe Street to Paisano Drive (US 85); and an extension of Border Highway from Americas Avenue (Loop 375) to Farm-to-Market Road 1109 in Fabens.

The 1993 Federal Appropriations Act allocated $1.6 million in federal funds to the Texas Department of Transportation for preliminary engineering and design, environmental studies, right-of-way acquisition, improvements and construction of roadways for the U.S.-Mexico border highways listed above.

"Although the costs for these projects is anticipated to be much higher than the amount allocated, the feasibility studies are needed to determine estimates of potential costs," said commission member Henry Muñoz III.

Once the feasibility studies are complete, the findings will be reviewed by the commission.

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. MINETA. I do insist on the point of order, Mr. Chairman.

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

POINT OF ORDER

Mr. MINETA. Mr. Chairman, it seems to me again that this is a project that despite the fact that the very fine gentleman from Texas has allowed now that this project be funded by the general fund, rather than the highway

trust fund, the underlying authorization is still not there. Therefore, it would be subject to a point of order on the basis of clause 2, rule XXI.

□ 1140

The CHAIRMAN. Does any other Member desire to be heard on the point of order of the gentleman from California [Mr. MINETA]?

Mr. SHUSTER. Mr. Chairman, I reserve the point of order.

At what point are we in the bill?

The CHAIRMAN. The amendment offered by the gentleman from Texas would add a paragraph on page 24 after line 9.

Mr. SHUSTER. I do not believe that is in order, Mr. Chairman. It is not germane to that point.

POINT OF ORDER

Mr. Chairman, I have a point of order.

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

Mr. SHUSTER. Mr. Chairman, I make a point of order that it is not germane. We have already read past that point.

The CHAIRMAN. Does the gentleman from Texas [Mr. COLEMAN] desire to be heard on either point of order?

Mr. COLEMAN. Of course, as I said at the outset, it is authorized and still in the title, and it can be in order at any time in that title.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule and on the point of order raised by the gentleman from Pennsylvania [Mr. SHUSTER] would rule that the amendment offered by the gentleman from Texas in the form of a new paragraph is germane at this point in the bill relating to highway funding. For that reason the point of order of the gentleman from Pennsylvania is not sustained.

With respect to the point of order raised by the gentleman from California [Mr. MINETA], the statute that is relied upon by the gentleman from Texas for his authorization does authorize appropriations from the general fund. His amendment also would appropriate from the general fund, and for that reason this is an authorization contained in Public Law 89-795, and for that reason the point of order raised by the gentleman from California is not sustained.

Is there debate on the amendment offered by the gentleman from Texas [Mr. COLEMAN]?

Mr. SHUSTER. Mr. Chairman, one of the concerns I have here is that there are other projects which I understand fall in the same category. I believe there are five or six other projects that fall in the same category, and, if we had some assurances that those projects were going to be treated equally and fairly, that would be a factor in the determination as to whether to support or oppose this amendment.

So, I would be interested, if anyone would care to comment on that, and I would be further interested in the position of the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA] as to what his position is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COLEMAN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991, to be derived from the Highway Trust Fund, $46,780,000, to remain available until September 30, 1996.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 406, 408, and 410, section 2007 of the Intermodal Surface Transportation Efficiency Act of 1991, and section 209 of Public Law 95-599, as amended, to remain available until expended, $138,550,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1994, are in excess of $163,500,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $123,000,000 shall be for "State and community highway safety grants", $12,000,000 shall be for section 153 "Safety belt and motorcycle helmet use" grants, $3,500,000 shall be for the "National Driver Register", and $25,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures programs": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $10,500,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed $5,153,000 of the funds available for section 402 may be available for administering "State and community highway safety grants": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 may be available for technical assistance to the States: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1994.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the funds available for "Alcohol safety incentive grants" under 23 U.S.C. 408(g), the amounts in excess of the funds made available for obligation in this Act, estimated to be $6,493,000, are rescinded.

POINT OF ORDER

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

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

Mr. MINETA. On page 26, line 7 through that portion which was just read, I have a point of order against that provision. It is a point of order against page 26, lines 7 through 12.

Mr. Chairman, this provision violates clause 2 of rule XXI because it would rescind $6.493 million in highway trust fund contract authority, not general fund appropriations for the alcohol safety and Senate grant program. Highway trust fund contract authority is a form of direct spending which is legislative in nature. Authorizing or rescinding highway trust fund contract authority is not within the jurisdiction of the Committee on Appropriations. At this time inclusion of the rescission on page 26, lines 7 through 12, constitutes legislation in an appropriations bill, and accordingly this provision is subject to a point of order.

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

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

Of course the Committee on Appropriations considers contract authority a violation of the principle that we do not appropriate on authorization language, but that bill is not before us, and we concede the point of order.

The CHAIRMAN (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $14,865,000, of which $2,485,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of

Transportation Act, as amended, $10,000,000, to remain available until expended.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $43,927,000, of which $1,357,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $20,166,000, to remain available until expended: *Provided*, That up to $100,000 shall be made available to support, by financial assistance agreement, railroad-highway grade crossings safety programs, including Operation Lifesaver: *Provided further*, That $100,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $130,000,000.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 45 U.S.C. 601, to remain available until expended, $431,000,000, of which $331,000,000 shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which $100,000,000 shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1994: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That funds provided to cover operating losses incurred by the Corporation shall be utilized only for the following expense categories: train operations, maintenance of equipment, maintenance of way, on-board services, and station services: *Provided further*, That the Corporation shall maintain adequate information in its financial management systems to monitor and account for the specific uses of funds appropriated herein: *Provided further*, That no funds in this Act may be used, either directly or indirectly, to support intercity bus routes unconnected by a rail segment provided by the National Railroad Passenger Corporation Thruway Bus Service Program.

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 29, line 2, strike "$431,000,000" and all that follows through "available" on line 5, and insert $100,000,000,".

Mr. HEFLEY. Mr. Chairman, this is not a new issue. It seems like we deal with this issue with some regularity. But this amendment ends the operating law subsidy of $331 million for fiscal year 1984 for Amtrak. The purpose of the amendment is to begin to put Amtrak back on the track to privatization and, hopefully, profitability.

Mr. Chairman, if we look at the history of Amtrak, it was created in 1970 under the Rail Passenger Service Act to be a for-profit corporation, not a for-loss corporation. It was created to provide intercity and commuter rail passenger service in the United States. After World War II, most intercity travel shifted to autos, buses, and airplanes, and at this time railroads began losing on their rail passenger service.

Mr. Chairman, the relationship between Government and Amtrak was intended to be a temporary relationship, not a permanent relationship.

Why should we terminate the Amtrak subsidy? Amtrak should be returned to the private sector. It is the most subsidized form of intercity transportation. By continually subsidizing Amtrak, Mr. Chairman, the incentive to become profitable or to break even is lost.

If we look at the figures in 1988, they lost $650 million; 1989, $666 million; 1990, $704 million; 1991, $721 million; and in 1992, Mr. Chairman, $711 million. Since 1971 Federal subsidies have exceeded $15 billion. Amtrak's operating losses have exceeded the Federal subsidy by $48 billion over the last 3 years alone.

It is time to return Amtrak to the private sector. The 1998 Presidential Commission on Privatization, which was a bipartisan group and included members of both labor and management, concluded that privatization was in the best interests of not only the American people, but also of the railroads.

My colleagues may recall that Presidents Ford, and Carter and Reagan all saw the need to eliminate this excessive subsidy.

Is privatization feasible? There is nothing etched in stone that says rail passenger service has to lose money. In fact, privatization is the only way Amtrak can maintain profitability.

Several options are available for Amtrak, one of which provides for it to shed its money-losing routes and retain the most profitable ones. This would accomplish two things. It would slice a sizable chunk out of its operating expenses and would enable Amtrak to concentrate on the more prosperous ones which could possibly lead to new capital for modernized trains, and tracks and other improvements.

Conrail is a good example of modernization that works. This was a freight railroad once owned and operated by the Federal Government. But Conrail has proven itself as it has been privatized, and its finances have been in the black.

Let us take this step toward fiscal responsibility. Let us help out the railroad, the American taxpayers, the Federal Government's balance sheet, by eliminating the operating loss for the subsidy of Amtrak.

Mr. CARR of Michigan. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

Mr. Chairman, it is unfortunate that this amendment comes also at the time that we have just witnessed in the news the tragedy of the Amtrak derailment and considerable loss of life near Mobile, AL.

□ 1150

If the gentleman's amendment were to pass, within 7 days, on October 1, Amtrak would have no operating subsidy. Amtrak, of course, has revenues from ongoing operations, but it also has to run trains. Amtrak probably could not even contribute to the accident investigation within 7 days. Amtrak would not have the money even to do the cleanup from the accident, the tragic accident of two nights ago.

The fact of the matter is the House has voted repeatedly to sustain and support Amtrak with operating subsidies. Usually those questions receive at least 300 votes in this body.

Mr. Chairman, each time we have fights such as this one, it creates uneasiness in the private financial market, which Amtrak needs to finance it's capital improvements and lower its Federal subsidy. All we are doing when we make artificial cuts such as proposed here is to reduce service quality and make Amtrak less competitive with the airlines and the automobile. This reduces ridership which in turn leads to a higher Federal operating subsidy in the future.

Amtrak's financial performance improved during most of the 1980's. Amtrak's Federal operating subsidy has dropped from $675 million in 1981 to $351 million as reported in this bill. There is no national passenger railroad in the world today that is meeting all of its costs, and Amtrak is certainly among the world leaders in recovering its costs.

I should also note that Amtrak currently operates some of the country's most critical commuter rail systems, including northern and southern California, Boston, Connecticut, Maryland, and northern Virginia. Without adequate Federal operating subsidy, Amtrak would be terminated and these systems would shut down until a new operator could be found. This would be extremely disruptive to those communities, and would have a ripple effect on the economies of those regions.

The gentleman's amendment would not reduce funding for Amtrak's capital program or for the northeast corridor infrastructure program. This is curious, since his amendment to delete Amtrak's operating subsidy would put Amtrak out of business. Needless to say, if Amtrak goes out of business, it's hard to imagine how they would spend all of their capital or infrastructure money. So I'm not sure the gentleman's amendment is even internally consistent.

But I do know the amendment would be detrimental to this Nation, and would shut down our only national passenger rail system. About 25,000 workers would be laid off at a time when we are trying to get this country back to work. It is unnecessary. We have adequate funding to sustain Amtrak. I am sorry this kind of amendment has come up once again this year, because I believe the will of this body has been expressed many times on the need for a national passenger rail system.

I strongly urge the defeat of the amendment.

Mr. WOLF. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I appreciate what the gentleman from Colorado [Mr. HEFLEY] is trying to do. I would say though to Members, this really is a killer amendment. Basically, if one is in support of this, it probably would have been better to just zero them out, to just close them down and put the blinds across the place.

Second, Amtrak does a good job. It serves the key critical areas of the United States, particularly the Northeast corridor, coming down from Boston, to New York, to Washington, and then on to Richmond and into the South.

Third, I believe it would hurt the economy. To have a shot like this to the economy, I think, would actually create havoc. Not only with the unemployment that it would bring for the people that work with Amtrak, but all the other businesses that rely on it. In the Washington, DC, area there are many people, thousands every day, who take Amtrak to many, many different places. It would also hurt the commuter rails that are being operated around the country.

Mr. Chairman, I appreciate what the gentleman from Colorado [Mr. HEFLEY] is doing, and he is a good, good friend. But I would hope that Members, if there is a vote on this, will come over and realize the best and most responsible vote is a no vote.

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

Mr. Chairman, in the early 1970's, the Government made a fateful decision. Transportation experts convinced officials that the Government could run a nationwide system of passenger rail lines more efficiently than private firms could. These same experts guaranteed that the Government would only need to provide a temporary infusion of funds into the new nationalized rail system. They said that the lines would pay their own way within a few years. They said that the system would eventually return a profit to the taxpayers.

Today we know that these promises were only wishful thinking. Instead of profitable operations, the government-run railroad monopoly has saddled the taxpayer with billions in debt and annual obligations.

In 1992, Amtrak had revenues of $1.3 billion. Its expenses were $2 billion. Last year's net loss was $712 million.

This enormous loss works out to a taxpayer subsidy for each and every passenger of more than $25. In fact, according to the Cato Institute, Amtrak is "20 times more heavily subsidized than is travel by automobile, bus, or air."

The evidence is in: A Government passenger rail monopoly doesn't work. There is, however, another way—a better way—to do this: Privatize Amtrak, just as we did Conrail. In 1992, Conrail, which was privatized 6 years ago, earned $282 million on revenues of $3.3 billion. In fact, the railway has now made money in every year since its privatization except for 1991, when the recession and the gulf war reduced consumer demand for shipping by rail.

But before it was privatized—when Conrail was a Government-run railroad—its fiscal performance was just as poor as is Amtrak's now. Industry Week magazine noted in 1979 that the railroad was "neglecting locomotive and freight-car maintenance, had quit paying principal and interest on its bonded indebtedness, and had even stopped paying taxes." Even at that, the system was still in the red—losing $1 million a day.

Privatization forced Conrail to compete, and in so doing, to succeed.

Passenger railroads in Argentina and New Zealand are being privatized this year. Five years ago, Japan began the process of privatizing Japan National Railways, breaking up into six passenger rail companies. By 1991, all six railways were operating at a profit, and privatization of several more is proceeding on schedule.

The amendment before us today could eliminate Amtrak's annual losses, and improve its service. It will save taxpayers billions, and make our Nation more competitive. Let us just do it.

□ 1200

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

Mr. Chairman, I rise in opposition to the amendment. I want to agree in one principle with the previous speaker, that passage of this amendment would stop the operating losses, and certainly would privatize Amtrak. I think it would do something else. I think it would kill all passenger service, rail passenger service, in our country.

There are a lot of small communities like our area that would not have been included in a rail passenger service system, were it not for the designs of Congress. If all of these programs were so successful that the privateers would take them on, why was there no service for the American people?

There is only one other option. If we do not have Amtrak, the option to the American transport community and the consumer is that it be subject to only the other options that are available, and without rail, those other options in the marketplace would be much higher.

What we have done is, we have a service and we have been able to maintain some rail, both with freight, both with passengers. Now Conrail and freight is privatized. I think there will be a point in time, the right time, when Amtrak will be privatized, but that time is not ours, not now.

Let me make the following point. The gentleman cited all the big operating losses. Let us look back 5, 6 years, and look at those operating losses. They are an awful lot less today. Even though they are significant, they are a lot less today. If we also look at one other factor, we now have in other parts of our country individual passengers that are acclimated to rail transport. That serves as a hedge against the other alternative transportation modes that are out there.

I say that even though there is an operating loss, it is cost effective for maintaining a rail passenger service mode of transportation in this country.

I would advise against this amendment. It does sound good on the surface. I think the gentleman bringing it is right. I do not think the time is ripe, and I think Congress has made rail passenger service a part of our transportation intermodal network, and we should keep it there.

When the time comes where it can be privatized effectively, as with Conrail, I think Congress at that time will do the right thing.

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

Mr. Chairman, I rise in full praise of the sponsor of the amendment, the gentleman from Colorado [Mr. HEFLEY], but in opposition to the amendment itself. I agree with the previous speaker, the gentleman from Ohio [Mr. TRAFICANT], with respect to the point.

The point is simply this. Amtrak has not worked as we had hoped it would have worked by now. A lot of us would have hoped it could have been privatized and on its way to profitability, similar to Conrail and some other rail services in this country. I think eventually that should be the target. There are inefficiencies which I can talk about ad nauseam, but the

bottom line is simply that an amendment such as this, which would be abrupt and immediate, would simply destroy what is there now and not give the opportunity to build a good, private, and profitable system, which is the direction that we should go.

Mr. Chairman, I live in Wilmington, DE. It is on the main line between New York and Washington. I often travel that line. Many of my constituents do. The economy of our city is very sensitive to people coming in from major cities on Amtrak and going out to major cities on Amtrak. Obviously, we believe it is important. Having said that, it does not mean that I have not seen the inefficiencies which probably led to this amendment, and which lead to some of the unprofitability. Even the people who work on Amtrak will admit to that. There are many good people who work there, but there are many who understand that not all is as it could be, and we should try to do better.

I am totally for privatization in the right circumstance and handled in the right way, and it is my hope that eventually we can take this under wing and make absolutely sure that we move from the direction of losses, which is the direction we are going now, to the point where we have ultimate profitability. I am concerned that if this amendment passes, we may be talking about a circumstance that would absolutely abandon the rail service which is so significant.

I would also say, as an advocate of rail service in general, beyond just Amtrak, that as I look at modes of transportation in this country and realize the difficulties of the environment with respect to automobiles and other vehicular traffic, as I look at the crowding in airports, the difficulty of getting to airports, I realize that if our cities and our inner cities are to survive and to thrive, one of the very best answers is rail service, which tends to go into those areas.

I would consider it to be one of the most important aspects of transportation we have in this country. Even in 1993, it is not something that we should be putting behind us as being antiquated, but something we should be working on, as they have in other countries, in order to help expedite it and to make it better.

As one waits on a sideline for another train to go by, we realize that the system could be a lot better. It is a service which I think a lot of people have found is the best way to go. We can talk to virtually any business person or anyone else who travels between the areas of New York and Washington, and they will say the single best way to travel is on the Amtrak service when they are near enough to be able to get to it. That is something we should encourage in each and every urban area in this country.

Mr. Chairman, I regretfully rise to oppose the amendment, but I do feel that in this particular instance that it must be opposed. Perhaps, though, the goal of the amendment can someday be met if we work together on it.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the amendment to cut funds from Amtrak, which serves the transportation needs of many of my constituents who travel the Northeast corridor.

Today we are discussing the importance of making sound Federal investments in transportation policy. I support Federal support of Amtrak because it is an energy-efficient transportation option important to our Nation's economic strength. But it is important to remember that Amtrak's financial stability depends on the financial stability of the communities it serves.

When implementing Northeast corridor improvements, Amtrak must take into consideration the impact these changes will have on the redevelopment plans of the communities it serves—and relies on for passengers. In my district, Amtrak is considering moving its service from the existing station in downtown New Rochelle to a new station several miles away. This is not only a waste of tax dollars, it also reflects a failure to cooperate with local officials in promoting a strong economy.

I oppose the move to a new station at Nardozzi Place for several reasons. Most importantly, it threatens the city's plans for revitalizing the downtown area. Their efforts will be hampered if Amtrak follows through on their plans to leave the downtown area. Indeed, if Amtrak leaves the downtown station, it will deprive the area of critical economic activity—a source of jobs and revenue.

Additionally, this station is the only link in Westchester County between Amtrak and commuter rail lines. Moving the station would deprive many travelers of access to commuter rail. At a time when communities are striving to comply with the Clean Air Act by reducing auto emissions, we should be working to increase intermodalism, not limiting travelers' mass transit options.

Today, we are considering the use of taxpayer funds for Amtrak. The American people want to support sound economic investments—we want to see Amtrak expand service on the Northeast corridor and improve service, but we do not want to see Amtrak do this at the expense of local communities' economic vitality.

I urge Amtrak to work with local communities to address their concerns—in New Rochelle and elsewhere.

I urge my colleagues to oppose the Hefley amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 337, not voting 17, as follows:

[Roll No. 450]

AYES—84

Allard	Gillmor	McInnis
Andrews (TX)	Gingrich	McKeon
Armey	Goodling	Miller (FL)
Baker (CA)	Goss	Minge
Baker (LA)	Grams	Molinari
Ballenger	Hansen	Moorhead
Bartlett	Hastert	Packard
Barton	Hefley	Paxon
Bilirakis	Hoekstra	Pombo
Boehner	Hoke	Porter
Bonilla	Huffington	Portman
Bunning	Hunter	Ramstad
Buyer	Inglis	Ravenel
Coble	Inhofe	Rohrabacher
Combest	Istook	Ros-Lehtinen
Cox	Johnson, Sam	Royce
Crane	Kasich	Schaefer
Crapo	Kim	Sensenbrenner
Cunningham	Kingston	Shaw
DeLay	Knollenberg	Smith (MI)
Diaz-Balart	Kyl	Smith (OR)
Doolittle	Lancaster	Smith (TX)
Dornan	Lewis (FL)	Stump
Dreier	Linder	Talent
Dunn	Livingston	Thomas (WY)
Fawell	Manzullo	Vucanovich
Fields (TX)	McCandless	Walker
Gallegly	McCrery	Young (AK)

NOES—337

Abercrombie	Cramer	Hamburg
Ackerman	Danner	Hamilton
Andrews (ME)	Darden	Harman
Andrews (NJ)	de la Garza	Hastings
Applegate	de Lugo (VI)	Hayes
Bacchus (FL)	Deal	Hefner
Bachus (AL)	DeFazio	Hilliard
Baesler	DeLauro	Hinchey
Barca	Dellums	Hoagland
Barcia	Derrick	Hobson
Barlow	Deutsch	Hochbrueckner
Barrett (NE)	Dickey	Holden
Barrett (WI)	Dicks	Horn
Bateman	Dingell	Houghton
Becerra	Dixon	Hoyer
Beilenson	Dooley	Hughes
Bentley	Duncan	Hutto
Bereuter	Durbin	Hyde
Berman	Edwards (TX)	Inslee
Bevill	Emerson	Jacobs
Bilbray	Engel	Jefferson
Bishop	English (AZ)	Johnson (CT)
Blackwell	English (OK)	Johnson (GA)
Bliley	Eshoo	Johnson (SD)
Blute	Evans	Johnson, E. B.
Boehlert	Everett	Johnston
Bonior	Ewing	Kanjorski
Borski	Farr	Kennedy
Boucher	Fazio	Kennelly
Brewster	Fields (LA)	Kildee
Brooks	Filner	King
Browder	Fingerhut	Kleczka
Brown (CA)	Fish	Klein
Brown (FL)	Flake	Klink
Brown (OH)	Foglietta	Klug
Bryant	Ford (MI)	Kolbe
Burton	Ford (TN)	Kopetski
Byrne	Fowler	Kreidler
Callahan	Frank (MA)	Lambert
Calvert	Franks (CT)	Lantos
Camp	Franks (NJ)	LaRocco
Canady	Frost	Laughlin
Cantwell	Furse	Lazio
Cardin	Gallo	Leach
Carr	Gejdenson	Lehman
Castle	Gekas	Levin
Chapman	Gephardt	Levy
Clay	Geren	Lewis (CA)
Clayton	Gibbons	Lewis (GA)
Clement	Gilchrest	Lightfoot
Clinger	Gilman	Lipinski
Clyburn	Glickman	Lloyd
Coleman	Gonzalez	Long
Collins (GA)	Goodlatte	Lowey
Collins (IL)	Gordon	Machtley
Collins (MI)	Grandy	Maloney
Condit	Green	Mann
Conyers	Greenwood	Manton
Cooper	Gunderson	Margolies-Mezvinsky
Coppersmith	Gutierrez	Markey
Costello	Hall (OH)	Martinez
Coyne	Hall (TX)	

Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McHale
McHugh
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Archer
Edwards (CA)
Faleomavaega (AS)
Hancock
Herger
Hutchinson
Kaptur
LaFalce
McKinney
Pelosi
Petri
Romero-Barcelo (PR)
Sawyer
Serrano
Tauzin
Velazquez
Whitten

□ 1227

Ms. DANNER, Ms. BROWN of Florida, and Messrs. BLUTE, RUSH, and ZELIFF changed their vote from "aye" to "no."

Mr. LEWIS of Florida changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 29, line 2, strike "$431,000,000, of which $331,000,000" and insert "$397,900,000, of which $297,900,000".

□ 1230

Mr. HEFLEY. Mr. Chairman, the chairman of the committee and the ranking member have beat me into submission on that last amendment. They have convinced the body that that is too drastic, that to cut all the operating subsidy for Amtrak was simply too drastic.

So what I am proposing here with this amendment is a weaning amendment.

Over the years I have been a rancher. When calves or bulls are born, within minutes they are up nursing on mother's milk, but at about 4 to 6 months you have to wean them.

Now, they do not like it. There is never a good time to wean them. There is never an appropriate time. They would stay on mother's milk, I suppose, forever if you did not go through the weaning process, and it is sometimes painful, but you do it anyway because it is the right thing to do.

What this amendment does is begin to wean Amtrak off. It simply reduces the subsidy by 10 percent and tells Amtrak that this is the direction we are going to be going. We are going to get you off of mother's milk. It is going to take longer, but we are going to get it done.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 271, not voting 14, as follows:

[Roll No. 451]

AYES—153

Allard
Andrews (TX)
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Ewing
Fawell
Fields (TX)
Gallegly
Gillmor
Gingrich
Goodling
Gordon
Goss
Grams
Grandy
Gunderson
Hall (TX)
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Leach
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
Meyers
Miller (FL)
Minge
Molinari
Moorhead
Neal (NC)
Nussle
Orton
Oxley
Packard
Paxon
Penny
Petri
Pickle
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Stupak
Sundquist
Talent
Tanner
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Walsh
Weldon
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—271

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Barca
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Callahan
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Engel
English (AZ)
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodlatte
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lantos
LaRocco
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Swett
Swift
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns

Traficant	Volkmer	Wise
Tucker	Waters	Wolf
Underwood (GU)	Watt	Woolsey
Unsoeld	Waxman	Wyden
Upton	Wheat	Wynn
Vento	Williams	Yates
Visclosky	Wilson	

NOT VOTING—14

Clayton	LaFalce	Valentine
Edwards (CA)	Laughlin	Velazquez
Faleomavaega (AS)	Romero-Barcelo (PR)	Washington
Hancock	Synar	Whitten
Kaptur	Tauzin	

□ 1252

Mr. KENNEDY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $137,000,000, to remain available until expended: *Provided*, That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1994 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1994 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1994: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

HIGH-SPEED GROUND TRANSPORTATION

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, $4,000,000, 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 $3,500,000 for the "High-Speed Ground Transportation" program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by the Federal Transit Act and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $19,569,000: *Provided*, That no more than $37,731,000 of budget authority shall be available for these purposes.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9, 16(b)(2), and 18 of the Federal Transit Act, to remain available until expended, $1,324,916,000: *Provided*, That no more than $2,404,867,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants no more than $752,278,000 may be used for operating assistance under section 9(k)(2) of the Federal Transit Act.

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by section 11(b) of the Federal Transit Act, to remain available until expended, $3,238,000: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by section 26 of the Federal Transit Act, to remain available until expended, $37,000,000: *Provided*, That no more than $76,125,000 of budget authority shall be available for these purposes: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a) of the Federal Transit Act, $1,140,000,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That $18,162,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's administrative expenses account: *Provided further*, That $1,079,951,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account: *Provided further*, That $2,762,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's university transportation centers account: *Provided further*, That $39,125,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's transit planning and research account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,707,425,000 in fiscal year 1994 for grants under the contract authority in section 21(b) of the Federal Transit Act: *Provided*, That notwithstanding any provision of law, there shall be available for fixed guideway modernization, $760,060,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $354,315,000; and there shall be available for new fixed guideway systems, $593,050,000, as follows—

$10,000,000 for alternatives analysis only for the South Boston Piers Transitway Project;

$55,000,000 for the Chicago Central Area Circulator Project;

$1,600,000 for the Cleveland Dual Hub Corridor Project;

$60,000,000 for the Dallas South Oak Cliff LRT Project;

$40,500,000 for the Houston Regional Bus Plan Program of Projects;

$2,000,000 for alternatives analysis only for the Kansas City South Corridor LRT Project;

$163,050,000 for the Los Angeles Metro Rail MOS-2 and MOS-3 Projects;

$2,400,000 for alternatives analysis only for the New Orleans Canal Street Corridor Project;

$1,000,000 for the Northeast Ohio Commuter Rail Project;

$13,000,000 for design only for the Orange County Transitway System Project;

$50,000,000 for the Pittsburgh Busway Projects;

$70,000,000 for the Portland Westside LRT Project;

$1,500,000 for the Sacramento LRT Extension Project;

$28,200,000 for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project;

$2,000,000 for preliminary engineering only for the Salt Lake City South LRT Project;

$19,600,000 for the St. Louis METRO Link LRT to Airport Project;

$10,000,000 for the Florida Tri-County Commuter Rail Project;

$3,200,000 for preliminary engineering only for the Twin Cities Central Corridor Project;

$10,000,000 for the Wisconsin Central Commuter Line Project; and

$50,000,000 which shall be allocated at the discretion of the Secretary of Transportation: *Provided further*, That Public Law 102-388 is amended under Federal Transit Administration, "Discretionary grants" by deleting "not less than $76,500,000 for the Honolulu Rapid Transit Starter Line of Projects;": *Provided further*, That of the funds affected by the preceding proviso, $26,500,000 shall be for the South Boston Piers Transitway and $50,000,000 shall be allocated at the discretion of the Secretary.

AMENDMENT OFFERED BY MR. WALKER

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

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 36, after line 10, strike: "$28,200,000 for the San Francisco Airport BART Extension Project and the Tasman Corridor LRT Project,"; and

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

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. WALKER. Mr. Chairman, let me say at the outset that some of us are a little uncomfortable with being caught in the crossfire that has been going on on the floor here amongst the authorizing and appropriating committees and all kinds of things which are happening. We are concerned about the process that has developed as a part of that crossfire that went to the question of the rule.

Mr. Chairman, there were a number of us on our side of the aisle who supported the rule on the basis it was the right thing to do to bring this bill to the floor in a way that Members had an opportunity to get at points or order in the bill and other things that opened the bill up. In that sense, I suppose, we ended up then voting "yes" on the rule, in support of what became characterized as the Committee on Public Works and Transportation's position on the rule.

On the other hand, there were a number of us who were uncomfortable with the fact that that rule at the same time put a self-enacting amendment into the bill that had not been included by the committee. So as that process developed on our side, a number of us said we were going to vote for the rule, but we would like to have a separate vote on the so-called Mineta amendment.

Mr. Chairman, I want to assure the gentleman from California [Mr. MINETA] at the outset that this is not aimed at him, nor is it even aimed at the project as such, because I think that the merits of that can be debated. But there is a question in my mind whether or not we are going to have a process here which works for all of the Members.

Mr. Chairman, self-enacting amendments in rules is not a very good process. The only way the House has to speak to that particular question is to have a separate vote, as was permitted under this rule on this particular amendment.

It is my understanding of the reason why this amendment was left out of the bill from the Committee on Appropriations is because it did not meet the criteria that normally is met by the Federal Transit Administration. The Federal Transit Administration normally suggests that you should not have a new rider cost index of over $14. In this particular instance, this is a project where that cost per new rider is over $40. So you have a significant question about the long-term cost of the project, about a $400 million project, and whether or not this cost is being sunk into a project where the long-term merits of it are right.

There are lots of other Members who have studied this issue a lot more than I have who understand the implications of that. Maybe they will debate that as part of this particular amendment. But from my perspective, I am simply saying I am on the floor offering the amendment on the belief that we ought to have an up or down vote on this specific question that ended up in the rule, and I do not think it was properly reflected in the rule by those of us who voted "yes" for reasons entirely different than the self-enacting amendment. So we will now have our opportunity to reflect on this particular project as an individual item as a result of what was done in this parliamentary crossfire that has been going on.

Mr. Chairman, therefore, I do offer the amendment. I would urge a vote on the amendment based on the debate that is about to occur.

□ 1300

Mr. MINETA. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment being offered by our colleague, the gentleman from Pennsylvania. I urge my colleagues to vote against this amendment.

The first transportation bill contained $28.2 million for two San Francisco Bay area transit projects, and the second reported bill deleted these same funds out of retribution for my actions on this bill.

The rule, which Members overwhelmingly supported yesterday by nearly a 100-vote margin, restored these funds. Now we see this amendment offering to delete the funds a second time.

Mr. Chairman, when will this nonsense end? How can we continue to punish bay area commuters because of a jurisdictional dispute here in Washington?

Nothing about these projects has changed between the first bill reported from the Appropriations Committee, which included the $28.2 million, and this amendment today.

The Bay Area Rail Extension Program will still provide more than 70 percent non-Federal match overall—almost four times more local match than the law requires. By area voters taxed themselves to provide this local match and build these projects. Let me repeat that: Bay area voters so strongly support these projects that they voted to tax themselves to provide the non-Federal match. How often does that happen?

The Clinton administration recommended $28.2 million in fiscal year 1994 for these projects, which is the amount currently contained in the bill.

The bay area has already obligated more than $200 million for these projects. This amendment would force us to throw away that money and stop the work in midstream.

These projects are extensions to proven, existing rail transit systems with a combined ridership of 280,000 daily passengers. They are not "pie-in-the-sky" ideas but extensions to proven systems already serving bay area commuters.

Mr. Chairman, I would like to read from two letters that I have received. One is from Hewlett-Packard Co., in which I would like to read a portion of the letter which says:

As you are aware, each of these projects has a critical role in the Bay Area's Regional Rail Program. Both will serve many of the 17,000 HP employees in this area, and are directly related to the economic health of Silicon Valley generally.

The other letter is from Lockheed Missiles & Space Co.

Lockheed Missiles & Space Company is headquartered in Sunnyvale, California. Our main facility, which is directly adjacent to the proposed Tasman Extension, employs over 15,000 employees who will be served by the light rail.

Local commitment: When Santa Clara County residents approved a 20-year local tax to provide funds for a comprehensive transit improvement program including Tasman, they demonstrated an extraordinary commitment.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(By unanimous consent, Mr. MINETA was allowed to proceed for 3 additional minutes.)

Mr. MINETA. Continuing:

Currently 70 percent of the funds for Tasman have been secured through State and local sources.

Economic importance: The Tasman line links high density, ethnically diverse neighborhoods with job-rich Silicon Valley companies, including Lockheed, Intel, Hewlett-Packard, GTE, Raytheon, ESL, Sun Microsystems, Amdahl and NASA-Ames.

Environmental quality: These projects are critical elements in the region's ability to achieve the Federal and California clean air standards.

System extension: The 12.4-mile Tasman line is an extension of the successful 21-mile Guadalupe Light Rail.

Mr. Chairman, this amendment would strike funds for vitally needed projects which have overwhelming local support, the full support of the Clinton administration, as well as the unanimous support of all 12 members of the bay area congressional delegation.

I urge my colleagues to defeat this amendment.

Mr. Chairman, I include for the RECORD the letters from which I read.

LOCKHEED MISSILES & SPACE COMPANY, INC.,
Sunnyvale, CA, June 8, 1993.

Hon. BOB CARR,
Chairman, Subcommittee on Transportation, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CARR: I am writing to urge your support of two vitally needed rail projects in the San Francisco Bay Area: the Tasman light rail extension and the BART extension.

Lockheed Missiles & Space Company is headquartered in Sunnyvale, California. Our main facility, which is directly adjacent to the proposed Tasman extension, employs over 15,000 employees who will be served by the light rail.

The Tasman and BART extension are critical elements in the Bay Area's regional rail program. Roughly $155 million, authorized by ISTEA for these two projects, must be appropriated in the 1993/94 fiscal year. The appropriations would provide the $98 million needed for the Tasman light rail extension to purchase rail cars and right-of-way.

There are a number of compelling reasons for supporting the Tasman project:

Local Commitment: When Santa Clara County residents approved a 20-year, local tax to provide funds for a comprehensive transit improvement program including Tasman, they demonstrated an extraordinary commitment. Currently 70 percent of the funds for Tasman have been secured through state and local sources.

Economic Importance: The Tasman line links high density, ethnically diverse neighborhoods with job rich Silicon Valley companies, including Lockheed, Intel, Hewlett-Packard, GTE, Raytheon, ESL, Sun Microsystems, Amdahl and NASA-Ames.

Environmental Quality: These projects are critical elements in the region's ability to achieve the Federal and California clean air standards.

System Extension: The 12.4 mile Tasman line is an extension of the successful 21-mile Guadalupe light rail.

I urge your strong support of these vitally needed projects. Please do not hesitate to contact me personally if you have any questions about the necessity of these rail extensions to the Bay Area and Silicon Valley.

Sincerely,

JOHN N. MCMAHON,
President and CED.

HEWLETT-PACKARD CO.,
Palo Alto, CA, June 15, 1993.

Hon. NORM MINETA,
San Jose, CA.

DEAR REPRESENTATIVE MINETA: On behalf of Hewlett-Packard, I wanted to thank you for your June 1 letter to Rep. Bob Carr, chairman of the Appropriations, Transportation Subcommittee, urging appropriation of Section 3 New Start funds for the Tasman light-rail and BART heavy-rail extensions.

As you are aware, each of these projects has a critical role in the Bay Area's regional rail program. Both will serve many of the 17,000 HP employees in this area, and are directly related to the economic health of Silicon Valley generally.

HP urges you to continue your efforts seeking the support of Rep. Carr to appropriate at least $98 million in Section 3 New Start funds, if not the total $155 million authorized by ISTEA for FY's 1993 and 1994.

Thank you again for your time, interest and leadership on this important matter. Your continued assistance is greatly appreciated.

Sincerely,

WILLIAM E. TERRY,
Executive Vice President.

Mr. CARR of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I would like to preface my remarks here by making a personal comment about my good friend, the gentleman from California [Mr. MINETA]. I want to take this opportunity, while supporting this amendment, to say that the gentleman from California [Mr. MINETA] and I came to Congress at the same time. We have worked together side by side all these years. We agree on 90 percent of whatever issues are before the Congress.

He is one of the finest legislators we have in this body. I want to take this personal opportunity to say that while I may not appoint the gentleman from California [NORM MINETA] as the executor of my estate, he is my friend and there is no war.

I want to admonish our friends in the gallery, the media, have tended to write into these circumstances comments that have no basis in fact. The simple truth is that he sticks up for his point of view, and I try to stick up for my point of view. We are friends and we are professionals.

Having said that, I cannot make an exception for a friend. The Walker amendment supports the position of the Subcommittee on Transportation and the full Appropriations Committee. While in our first bill we overlooked or looked the other way on the fact that this project is a poor performer on economic merit, we chose, in our second bill, not to look the other way. And this amendment, by the gentleman from Pennsylvania, another good friend with whom I am not accustomed to agreeing as much as I agree with the gentleman from California [Mr. MINETA], points out that this project should not be on our priority list.

He does not intend this as punishment, nor do I intend my support as punishment, of the fine people of the San Francisco Bay area, any more than the points of order made by the gentleman from California [Mr. MINETA] were intended as punishment for the literally hundreds of projects, construction workers, and people who drive on the highways that need projects that have been knocked out on a point of order were intended as punishment.

This is not about punishing people. This is about deciding which investments for America are the best.

Now, let me read from the Federal Transit Administration's 3(j) Report. It refers to a section of the Federal Transit Act. The FTA is required to make certain reports and recommendations to the Congress on the quality of the investments we are asked to make. This is not the appropriations subcommittee talking. This is not even the gentleman from Michigan [Mr. CARR] talking. This is the Federal Transit Administration.

For the Tasman Light Rail Line, the report indicates under cost effectiveness that the project has a cost per new rider, per new trip of $40. The index reflects a relatively low number of new riders. The new riders are low because of the land use characteristics of the corridor, which include free employee parking at numerous low density and dispersed employment locations along the transit line.

□ 1310

On environmental benefits, the 3(j) report said: "The Tasman project would reduce vehicle miles traveled in the study area by less than 1 percent."

They say with regard to local financial commitment that,

> The capital finance plan has been rated low, pending the development of a new financial plan or reprogramming of State funding to make up for the $59.8 million shortfall. SCCTD currently covers less than 15 percent of its operating costs at the fare box. Adding more light rail and buses would reduce the operating ratio further.

The Federal Transit Administration has guidelines which our committee has tried to follow. They have a system of judging economic merit called cost per new additional trip or rider. Their guideline calls for a goal of $6 to $10 per new additional rider.

Let me read some examples of some of the projects we have included in the bill. The Los Angeles minimum operating segment, No. 1, this is the Los Angeles subway—$6 per new additional rider.

Let me take another one. The St. Louis light rail line that just started service the other day, and has some really good initial ridership figures, and we hope it continues, has an index of $9 per new additional rider.

Let us find another one here. We have Atlanta, two projects, one at $5 per new additional rider, one at $6 per new additional rider.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CARR] has expired.

(By unanimous consent, Mr. CARR of Michigan was allowed to proceed for 2 additional minutes.)

Mr. CARR of Michigan. Mr. Chairman, I could go on, and on, and on. Down here, the San Jose-Tasman project, $40 per new additional rider. There are very few transit projects on the list that come close to $40 per new additional rider. Only a very few are in that range.

The fact of the matter is, with all due respect to my friend and colleague, the gentleman from California [Mr. MINETA], this project should not be a priority. BART has received billions and billions of dollars from the Federal Government. They have spent it well.

A lot of their lines are performing tremendously. They do not need this extra one. There are communities across the Nation which have not yet begun, which have low cost per new additional rider. They need a chance to receive some of this money.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would point out a fundamental difference between this project and the projects which were knocked out on points of order. This project was duly authorized in ISTEA. Moreover, as has been pointed out, this project was included in the transportation appropriation bill passed by the subcommittee, and was passed by the full Subcommittee on Transportation of the Committee on Appropriations. Only after the jurisdictional battle erupted was this project removed.

There are some who say that it is obvious that this was purely retaliation. I do not say that. That is a judgment for each of us to make, but I think it is very significant to note.

Further, there has been a lot of talk here about the cost per rider being $40. I would point out a couple of very significant factors. First of all, most transit projects are funded with 80 percent Federal dollars. This project is funded with only 30 percent Federal dollars. I wish we could have this kind of a ratio for all of our transportation projects. If we did, we would be able to rebuild America's transportation system. Unfortunately, we do end up spending about 80 percent Federal dollars for most of them.

This project uses only 30 percent Federal dollars. If we look at this particular project and do the arithmetic, take the estimated $40 per new rider total cost, and multiply that by the 30 percent which is paid by the Federal Government, that boils down to a $12 Federal cost per rider, so it is quite low.

I would point out further that it is the local people in California who have decided to put up 70 percent of the total project's cost so they must think this is a worthwhile project. Further, I would point out to my friend from the Committee on Appropriations that, if I read the bill correctly, perhaps he inadvertently misspoke when he said there was no other project that had an estimated cost of $40 per new rider.

The bill indicates, if I read it correctly, the Kansas City project has a new rider cost between $50 to $89, much more than the $40 figure attributed to the California project. Further, the Kansas City project, which is included in this appropriation bill, is 80 percent Federal funded. So here we have a project in the bill with a new rider cost between $50 and $89, 80 percent federally funded. Then we have this San Francisco Bay project which is estimated to cost $10 per new rider, of which only 30 percent is federally funded. Therefore, the San Francisco project has a Federal cost per rider which is much, much lower than the Kansas City project which is also funded in this bill.

For all of these reasons, I think we should vote down this amendment, recognizing that this project is justified, and in fact has been justified and authorized under the rules of the House. I would urge defeat of this amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there may not be a war going on, but let me say this, the San Francisco Bay Area Rapid Transit District has blood all over it. Something is going on here.

This project, the Tasman Bay Area Rapid Transit District, was in the first bill as it came to the floor. When that rule was rejected, this project disappeared from the bill as it came back to the floor. There were no hearings intervening, there was no new evidence in between. The JJJ report did not come out in those 48 hours. We simply had a rule go down and a price was extracted; misguided, misinterpreted, not based upon the facts.

The fact was that this $28 million was recommended by, I think, it is technically the JJJ report of the administration. The fact was, this went through the hearings in the appropriations process and was recommended by the committee as the bill came to the floor. Now an effort is to remove it.

We understand we are caught in a political struggle and the leadership understood that. That is why this was made part of the self-enacting rule, which this House voted overwhelmingly to approve. Let us understand what happens here. The Bay Area Rapid Transit District involves some 12 or more Members of Congress. A number of years ago we decided we would not get into trying to outbid one another, what extension went where on what timetable at what cost.

We turned that over to the Metropolitan Transportation Commission and they would make this system compete against new bridges, road widening projects, freeway projects, everything else going on in the bay area. They tell some of us no some years, and they tell some of us yes in other years. They tell me I will now have to wait because I had an extension that was authorized a couple of years ago, and another county will go forward.

In support of that process, unique in this system, in support of that process, the people of the San Francisco Bay area have voted to raise their gas taxes by 10 cents, have voted to raise their sales tax by half a cent, have voted to raise their bridge fares so that we could conduct and complete an integrated transportation system around San Francisco Bay, a major metropolitan area in this country.

□ 1320

That will include light rail, it will include heavy rail, which it does already and has for 30 years. It will include commuter lanes. It will include bus connections, van system connections, van pooling by corporations, widening of highways in some areas, all of the things that make for an integrated plan. And that plan has been on line, on approval, on schedule. And as the gentleman from Pennsylvania pointed out, and the gentleman from California pointed out, it has been greatly overmatched by the local taxpayers from all sources of local taxes.

So what the gentleman from Pennsylvania [Mr. WALKER] would have Members do is to come along and second-guess those local determinations where we have made those determinations at all levels of Government, approved by the administration, approved by the Appropriations Committee, approved by the authorizing committee, and now say we are going to scratch the funding. Not only does that have huge financial implications for the immediate planning of this system and keeping it on schedule, things such as buying railcars because the rails are built, can we open the system, but it threatens to open up all of the old fissures that were there at the local level.

He also says to local government, to citizens in local areas that should you desire to overmatch Federal dollars because you believe a project is important, this now discourages you. I would welcome my colleagues who think this is a cavalier vote to think about whether or not they could get their constituents to overmatch on a 70–30 basis. It is tough. It is not easy. But the people of the San Francisco Bay area, on a bipartisan basis, with business involved, with the largest corporations, with the homebuilders, with everybody recognizing the need of this district, approved this plan. And now Congress is coming along under the Walker amendment and going to suggest that somehow this was wrong, it is improper. Every hurdle that was required was met by this project, at the administrative level, at the congressional level, and at every level of Government.

I may not see BART funding in Contra Costa county that I represent for many more years, because we made a deal on our projects. We went ahead and we helped to put up moneys for the airport, and the people got together at the airport and they shifted some of their money across the bay. Unheard of local cooperation by local government. That is what the Walker amendment unravels.

We ought not to pass this amendment. We ought to understand that we have a serious jurisdictional conflict going on. But the people of the San Francisco Bay area, the local governments, the people that have committed their money, the people that have bought the bonds, the people that are now working on those projects should

not pay the price for that jurisdictional fight. This is in fact simply unfair. And I am telling you, let us vote on the merits. Let us not vote based upon the political personalities that are involved here or the jurisdictional conflicts of this committee. It is simply not the way to deal.

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

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I think he makes a strong case.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think the gentleman makes a very strong case for the process that has been used here. I would simply say to the gentleman from my perspective, my concern is that if in fact it has those kinds of merits we ought not to have to come to procedural shenanigans in order to move it forward. And in my view, when you do self-enacting amendments on rules we have in fact resorted at that point to procedural shenanigans that diminish the merits of the project.

So I am reflecting as much as anything on the procedural shenanigans that took place, and I thank the gentleman for yielding.

Mr. MILLER of California. Well, I hope if I die I never die procedurally.

Let me just say to the gentleman I appreciate the point he is raising. But he also appreciates the conflict that was caught here, and this was the one project that would not have been allowed that review as the bill was brought to the floor, and was in fact prejudiced because of the two versions, the earlier version and the second version of the bill.

As much as I do not like it, and as the gentleman knows, when I go the Rules Committee for my committee, I ask for open rules, and basically that is the way I believe it should be done. But every now and then, through circumstances over which we have no control, I do not believe that my constituents or the Greater San Francisco Bay area should be prejudiced. So this simply puts us back into the bill. And now the gentleman is in the position that he would have been under the first bill to strike the project or what have you, so nobody is prejudiced by the procedure. I do not like it. The Rules Committee did not like it and the leadership was not happy with it. But there was no other way to sort of crack this nut. But the gentleman was not prejudiced because that rule did not prevent him from offering this amendment. He could have had that under the first one, so I agree with the point he is making.

I would love it if he would make his point and withdraw the amendment and understand that the point is well made. But we ought not to put at risk this kind of incredibly integrated planning process and agreement that we have over local transportation.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mr. WALKER, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. WALKER. If the gentleman will yield further, I think he makes his point.

On the other hand, then it does become, from the standpoint of many of us who voted for the rule that allowed the bill to be put in, a separate vote on this amendment I think becomes a rational thing to do. But I appreciate the gentleman's debate. I think he makes a useful point that is a part of it.

Mr. MILLER of California. I would still ask for a no vote on this procedural point of order.

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

Mr. Chairman, I would just like to address the statement made by our colleague, Mr. WALKER, when he referred to shenanigans, and to assure him once again, as my colleague, Mr. MILLER, did, that this has been by the book, the BART funding request, from our standpoint.

As Members may know, the bay area is a 12 congressional district area that constitutes the San Francisco Bay area. This is a project that has been authorized. It is in the President's budget, and in fact was in the first appropriations bill that was put forth by the Subcommittee on Transportation. So its worth was recognized already by the appropriators and the fact that it was authorized was also recognized in the presentation by my colleague, the gentleman from California [Mr. MILLER].

The project in the San Francisco Bay region, as others have said, but it bears repetition, Mr. Chairman, have a 70 percent local funding match, almost four times what the law requires. My colleague, Mr. MILLER, mentioned, and I will say again, that this represents a considerable accomplishment for us, that 12 bay area Members would set aside the competition for the dollars for their own counties or regions in order to come together in a bay area regional request where in some years we get nothing for our own districts, but support those of others of our colleagues in order to have the Bay Area Rapid Transit receive the funding that it needs in order to provide transportation to promote commerce in our area, while doing so in an environmentally sound manner.

This proposed San Francisco Bay regional extension would allow existing systems with a combined ridership of more than 280,000 daily passengers to be lengthened.

The BART extension would directly serve the area's single largest traffic generator, the San Francisco International Airport, which has 75,000 employees, in addition to serving more than 28 million passengers a year, many of whom would use the BART system.

This funding is critical to maintaining the region's transportation improvements. Since these Federal funds trigger the release of local funds, it is essential to keep the entire program moving forward.

For those Members who were not here earlier, it was mentioned, and I will reiterate, that this represents a joint effort of 12 Members of the bay area. In order for us to reach this agreement, many of us would have to go back to our counties and ask for the counties to vote sales taxes in order to make this 70 percent local funding match. So this has been a cooperative effort, and we are feeling the pain ourselves by taxing our own people to make that local match, which again I repeat is four times what the law requires.

I urge my colleagues to support the funding for the bay area's rail extensions by reinstating the earmark for this purpose that has been deleted by the subcommittee, which same subcommittee included it in its original mark that was supposed to come to the floor, but for reasons has not.

And to my colleague from Pennsylvania [Mr. WALKER], who offered the amendment because of his concern about shenanigans, I say that we have proceeded with our request for BART by the book, have tremendous local match, authorized project, even in the President's budget for the same amount, and its worth has been recognized by being in the first appropriations bill.

□ 1330

May I also say that this is a modest request. Frankly we need more but in the interest of all of the fiscal concerns present here we are hoping to get this $26 million which is essential to us.

I urge my colleagues to vote "no" on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words and I reluctantly enter into this debate because I am aware of the strong feelings that exist on both sides and of the recent history of this issue, which has made it more difficult for all of us.

But I do want to say a few things that are pertinent to this amendment and I want to urge support of the amendment.

First, it is ironic that we have had a couple of days of debate here where the chairman of the Committee on Public Works, who is entirely within his rights in terms of the technical rules of the House, has gotten up and has argued against the kind of flexibility that many people, many of us think has served us well in past years. The understanding has been, that although we are dealing with a multiyear authorization in transportation matters, we need to get some flexibility through the year-to-year appropriations process.

We proposed for example that moribund projects totaling $64 million, funds just sitting there unused, should be rescinded. That flexibility was denied us, stricken on a point of order.

Members got up in this well time after time to say that the amount of authorized funds in ISTEA was inadequate to complete a project. Could we not have some flexibility to step up work on an urgent or emergency project? We were told that no, that flexibility is not available to us.

Now we are being asked by that same chairman for flexibility. We are being asked for special consideration for his own project, even though on most criteria it would fall short.

As a matter of fact as you look down the list of transit projects included in this bill, this project simply does not pass muster in terms of cost-effectiveness ratios, in terms of the estimated cost per new trip.

Dallas, $9; St. Louis, $9; Portland, $19, a little high, but still $19; Chicago, $17; Houston, $4; Pittsburgh, $5; Salt Lake City, $7; and then you come to San Francisco Airport, $27 per new ride and San Jose/Tasman, $40.

Those are not acceptable ratios.

Now the gentleman from Pennsylvania [Mr. SHUSTER] has made a great deal of what appears to be one exception on the list, namely the funding for Kansas City South, which is listed as $50. Indeed, that is the only one on the list that goes above the San Jose/Tasman figure. But I would point out that this is a project that is only now at the alternatives analysis stage and I assure you, if the Kansas City people want to move on toward preliminary engineering and final design, if those numbers are not improved I do not think that project will remain on the list.

So really we have in Tasman a project that does not measure up to the criteria that we have set, the criteria that I think most Members of this body think we ought to consistently apply to these projects. We simply cannot do it all. We have got to be harder on ourselves in terms of cost criteria that we impose. For that reason this project has quite properly been omitted.

Finally let me say, Mr. Chairman, that if the project does have the exceptional merit that has been claimed for it, it will be on the list for a fair and open competition because I remind you that Mr. WALKER's amendment simply puts this money, the money that is stricken, into the discretionary account. The San Francisco airport portion of this in particular might be able to compete effectively for that money and would have the opportunity to do so.

So we would shift the money to a discretionary account and if this project had the merits claimed for it, then it could compete on its merits with projects from all over this great country of ours. That seems fair enough, and I urge adoption of the amendment.

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

Mr. Chairman, I rise in strong opposition to the Walker amendment. Much was said yesterday and again today about the Bay Area Rapid Transit and the Tasman light rail projects. Obviously this is caught up in a House dispute and these projects have been, in my view, much maligned as ill-conceived, poorly planned projects and too costly and that they are bad policy.

Mr. Chairman, well, there is much heat that has been generated on this and a lot of politics, I hope I can cast some light on these two transportation projects which have been authorized and appropriated by this House.

Having served in local government for the last decade, I worked on the BART extension. The Tasman light rail project, a different system, is in my congressional district. These transportation projects in a part of our Nation that is the economic engine are projects that local communities determined to be so important that they chose to tax themselves through an increase in their gas tax, in their sales tax, and in their bridge tolls, in a period of time when other tax proposals across this country in every single Member's community, I would venture to say, would have been difficult at the least to pass in most communities would have failed. Before any Federal assistance was requested, public hearings were held, an election to establish taxes was held, and transportation projects were reviewed, studied, and ranked. Citizens chose to invest in self-help and real local-Federal-State partnerships. At a time when county and local governments are competing against each other for every single nickel and dime the counties, cities, and towns of the bay area and all the Members of the bay area, Republicans and Democrats, worked together with unprecedented cooperation in establishing these transportation priorities.

They then worked with the State and Federal Governments and succeeded in convincing all of them that these were meritorious cases and meritorious projects that competed and competed fairly on price tags and on their own internal project viability.

I urge my colleagues to soundly reject this amendment because what it will say to people, not only in the Bay area but all over the country, is that it is not worth it to be self-help, it is not worth coming together to form partnerships; go to Washington, try to grab the dough, don't do it through a process, and that is what the reward will be to people all over this country who really want to try to do the right thing.

I urge my colleagues to reject this amendment.

Mr. FAZIO. Mr. Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentlewoman for yielding and thank her for her comments.

The gentlewoman underscores I think the most valid point we are trying to make here, which is that the Bay area historically has paid far more than other urban areas of the country of its own local transportation costs. It is far harder to pass a gas tax or a sales tax locally, much more difficult to find the bridge tolls to do the things that have to be done locally, before we begin to attract the Federal dollars.

BART would never have been built if it had not been for local initiative.

Historically those of us in the West have been put in this very difficult position where, unless we have an urban crisis, we cannot generate the kind of money that high density Eastern and Midwestern communities have historically seen before their transit development took place.

We want to provide advance planning, we want to avoid the urban crisis, we want to do what can be done despite this sprawl that we know has historically characterized western cities to avoid the kind of urban transit gridlock that we are still playing catchup with in other parts of the country.

The CHAIRMAN. The time of the gentlewoman from California [Ms. ESHOO] has expired.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words. I will conclude and then yield to my colleague from California. I simply will conclude by saying that we should not be held to a standard that would deprive us of the funds we need to anticipate the urban crisis that has so impacted other regions of the country. Regions which did not have the foresight, did not have the local funding initiatives to go on their own and have been playing catchup with more Federal dollars.

□ 1340

I think what we have seen today is really frankly a sad state, where because of conflicts between committees

we have thrown some projects to the wolves.

I have a great affection for both gentlemen involved in this dispute that is ongoing. I certainly have friends in both camps.

I would hope we could put this kind of combat behind us so that in the future we can do what we historically have done when we bring authorizations and appropriations for transportation to the floor.

But I would ask my colleagues on both sides of the aisle not to pile on, not to add to the acrimony; help us by preserving this provision, defeating this amendment by the gentleman from Pennsylvania [Mr. WALKER], which has a very pernicious effect and throws this conflict into another orbit.

I would hope we could let cooler heads prevail here in opposition to this amendment.

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

Mr. Chairman, I would like to approach this issue not just from the point of view of a Member in whose district the San Francisco International Airport is located where this transportation project will provide enormous benefits for the several million people living in the bay area and the millions of people visiting the bay area, but I would like to approach it from my vantage point as a professional economist.

This project was first proposed well over a quarter of a century ago. At that time political maneuverings prevented the building of the entire project, which would have been a model for the Nation, a mass rapid transit system circling the San Francisco Bay area.

In the 1950's this entire project could have been built for a tiny fraction of the amount that we are now devoting to building a mile of this project. If we succeed again in a delay, the economic consequences of the area will not only be devastating in terms of not proceeding with the mass rapid transit project, but it will be devastating for the taxpayers of this Nation, because every year's postponement will mean that every mile will cost more the longer we postpone the building of this indispensable link to the San Francisco International Airport.

Now, we have played by the book. Local contributions have been exemplary. The degree of regionwide planning has been almost extraordinary. It is a model for this Nation, and to have to return to our districts and explain that inside the beltway political maneuverings are preventing millions of people of substituting efficient and environmentally sound energy saving transportation for clogging up our freeways is simply absurd.

We are dealing here with an issue that relates not just to transportation, we are dealing with the fundamental issue of the credibility of our government and the credibility of this Congress.

Are we prepared to deal with the issues that are on the minds of the American people and that concern their economic well-being, or are we dealing with jurisdictional fights that have nothing to do with the welfare of the American people? That is the underlying issue in this dispute.

It is not just building another stretch of a mass transit system, however badly it is needed. It is the narcissistic view of Congress itself that is so pathetically preoccupied with its own prerogatives, its own little jurisdictional fights, that these issues transcend the underlying realities that preoccupy the American people.

This bit of mass rapid transit will provide better transportation for the bay area, but far more importantly, if we defeat this amendment it will restore some measure of confidence in our ability to deal with real issues and not with our perceived perquisites as kings of the hill.

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

It was not my intention to prolong the debate, but I really must respond to my good friend from the bay area, for whom I have the highest esteem. He has made a very, very cogent argument from the narrow point of view of the bay area.

What about all the other people in America who have been standing in line waiting for an opportunity for a transit system half as good as the BART system, which has been receiving Federal funding for years. They have spent their money well. We have not been stingy with BART. We have not been stingy with the bay area.

I resent the notion that our Committee is somehow or other trying to punish the bay area. That is not the issue, I would tell my friends from the bay area.

There are communities all over America which do not yet have a light rail line, but they could construct systems at a cost much less than $40 per new additional rider.

What about Salt Lake City, for example? What about the people on the Wasatch Range in Salt Lake City? Their project has a cost-effectiveness index of $7.

And incidentally, I do not have any light rail projects in my district. Michigan, as I have said before, does not have a light rail project.

There are people all over this country who would like less congestion, cleaner air, more job opportunities. But you know, a few projects around the country got their foot in the door early, and for no reason other than that, they are deemed to have merit.

Their first couple of segments had lots of merit. The next couple segments still had merit. The segments that go beyond that begin to lose merit, and way out at the tail end of the system they are not very cost effective.

But guess what? Those projects have the wherewithal because they got their foot in the door early. Their Representatives in the Congress continue to argue that we should spend more money and more money on those big projects, while communities all over this country are still standing in line.

Now, this amendment would move the money for a poor performing project to the Secretary's discretion, and some of these other communities in America might have a chance at some of that money.

So if you do not have a big project in your district and you have one you might like to have or your local people are concerned about getting a light rail system going, I urge you to vote for the Walker amendment.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. CARR of Michigan. I am glad to yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, a very brief question for the gentleman. I have listened very attentively to what the gentleman had to say, and I just have one very brief question for the gentleman.

All that the gentleman says is very interesting in light of the fact that the gentleman from Michigan brought this project, to pass this out of the subcommittee with the BART money in it. At some point the gentleman voted for this project this year in this way, and then later took it out in full committee. So that is a question my constituents would like to have answered.

And by the way, this project is not in my district, but I am part of it.

So my question is, the gentleman voted for it once——

Mr. CARR of Michigan. Reclaiming my time, Mr. Chairman, I do not speak for every member of the committee.

I will say for this Member, we were in error reporting it out the first time. It was in the 3(j) report. I think we probably were too political. We were too concerned about the State delegation and the effect it might have on the Members. We should not have been. We were wrong.

Ms. PELOSI. Perhaps the gentleman is wrong now.

Mr. CARR of Michigan. We corrected ourselves the second time, and now we are going by regular order.

Ms. PELOSI. Perhaps the gentleman is wrong now, Mr. Chairman.

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

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I do this simply to make the point particularly for my fiscally conservative colleagues. This is not a cost-cutting amendment. If this amendment were to pass, not one penny would be saved.

□ 1350

These funds simply would be put back into the discretionary account for the Clinton administration to spend as they see fit. So I say to my colleagues, however, you choose to vote, please don't think this is a cost-cutting amendment, for it is not.

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

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

Mr. MINETA. First of all, the 3(j) report did recommend that this project be funded for the $28.2 million that was in the first bill, that has now been restored and is the subject of this amendment. However I would like to point out that much has been made about the Federal Transit Administration's cost effectiveness index and the fact that this $20 criteria, is exceeded by the Tasman project, which is at $40, and they made the fact that Kansas City South is at $50 and Portland-Hillsboro is at $25 to $75.

But the fact is this cost effectiveness index is only one of the factors that goes into determining whether or not a transit application is a good one. There are other factors that go into it, such as congestion relief, improved mobility, clean air goals, and energy conservation. These are all quantitative factors that go into a formula, just as cost effectiveness does. So, no one factor predominates because each transit project is unique. Some projects may do better or worse than other projects under the various criteria, and yet this debate would have us say that the cost-effectiveness index ought to be the one narrowly defined index which supersedes all the other factors.

So, Mr. Chairman, this amendment discriminates against the parts of the country which have less than the very highest population and have less than the very highest employment densities. These regions often provide more local funds than would otherwise be required, and that is what the San Francisco Bay area has done. They have taxed themselves either on gasoline tax or sales tax in order to come up with an overmatch.

This amendment would also prohibit the Secretary from recognizing those local contributions and funding any of these projects if they did not fare well under, again, one narrowly defined index, and so in this way this amendment would actually serve as a disincentive to State and local governments to provide higher non-Federal matching funds. Clearly, to me, the results would be less transit benefits for the Federal dollars that are being expended throughout the country.

So, Mr. Chairman, again I urge my colleagues to defeat the amendment offered by the gentleman from Pennsylvania [Mr. WALKER], and I thank the gentleman from Pennsylvania [Mr. SHUSTER] for having yielded to me.

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

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Chairman, I will be brief, but I just wanted to make the point with regard to what was said on the saving of $28 billion. The gentleman is absolutely right. It remains in the 302(b) account.

I would also make the point, however, that for all of the good things said about this project the fact is the money does remain in the account. It is a fully authorized project. It does not need this special designation in order to get the money. The fact is the secretary, at his discretion, could decide to give the entire amount of money to this project if, in fact, he wanted to. For those of us who live in other areas of the country that are not covered by these big projects the fact is that these special designations mean that the pool of money for all projects is thereby diminished when we specify here on the floor special ones. This does not take away from the ability of the Bay Area Rapid Transit to get money. It simply means that it is not going to get a special designation by this House.

Mr. Chairman, I say to my colleagues, So, therefore, if you believe within the 302(b) account there should be as much discretion as possible, what you do is vote for my amendment. If you believe that a certain project deserves special consideration and that only those projects should get the money, you vote against my amendment. But in this case it seems to me the responsible thing fiscally to do to ensure that high priority projects are the ones that get the right kind of treatment is to vote for my amendment to ensure that as much as possible there is discretion exercised for the entire country, not just for a few areas of the country.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 290, not voting 12, as follows:

[Roll No. 452]

AYES—136

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (LA)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Camp
Canady
Carr
Castle
Coble
Coleman
Combest
Cox
Crane
Cunningham
DeLay
Doolittle
Dornan
Dreier
Edwards (TX)
Everett
Fields (TX)
Fingerhut
Fish
Foglietta
Fowler
Franks (CT)
Gillmor
Goodlatte
Goodling
Goss
Grams
Gunderson
Hamilton
Hansen
Hefley
Hefner
Hoekstra
Hoke
Houghton
Hutto
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Kasich
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Leach
Lehman
Linder
Livingston
Manzullo
McCollum
McCrery
McCurdy
McHugh
McInnis
McMillan
Meyers
Michel
Miller (FL)
Minge
Murphy
Myers
Natcher
Nussle
Obey
Orton
Oxley
Paxon
Penny
Peterson (FL)
Peterson (MN)
Pickle
Portman
Price (NC)
Pryce (OH)
Quillen
Ramstad
Ravenel
Roberts
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Sharp
Shays
Skeen
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Synar
Tanner
Taylor (NC)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Wilson
Zimmer

NOES—290

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastert
Hastings
Hayes
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Hoyer
Huffington
Hughes
Hutchinson
Inhofe
Inslee
Jefferson
Johnson (CT)
Johnson (GA)

Johnson, E.B.	Moakley	Scott
Johnston	Molinari	Serrano
Kanjorski	Mollohan	Shaw
Kennedy	Montgomery	Shepherd
Kennelly	Moorhead	Shuster
Kildee	Moran	Sisisky
Kim	Morella	Skaggs
Kleczka	Murtha	Skelton
Klein	Nadler	Slaughter
Klink	Neal (MA)	Snowe
Kopetski	Neal (NC)	Spratt
Kreidler	Norton (DC)	Stark
LaFalce	Oberstar	Stenholm
Lambert	Olver	Stokes
Lantos	Ortiz	Strickland
LaRocco	Owens	Studds
Laughlin	Packard	Stupak
Lazio	Pallone	Swett
Levin	Parker	Swift
Levy	Pastor	Talent
Lewis (CA)	Payne (NJ)	Taylor (MS)
Lewis (FL)	Payne (VA)	Tejeda
Lewis (GA)	Pelosi	Thomas (CA)
Lightfoot	Petri	Thompson
Lipinski	Pickett	Thornton
Long	Pombo	Thurman
Lowey	Pomeroy	Torres
Machtley	Porter	Torricelli
Maloney	Poshard	Towns
Mann	Quinn	Traficant
Manton	Rahall	Tucker
Margolies-Mezvinsky	Rangel	Underwood (GU)
	Reed	Unsoeld
Markey	Regula	Valentine
Martinez	Reynolds	Vento
Matsui	Richardson	Visclosky
Mazzoli	Ridge	Volkmer
McCandless	Roemer	Walsh
McCloskey	Rogers	Waters
McDade	Ros-Lehtinen	Watt
McDermott	Rose	Waxman
McHale	Rostenkowski	Wheat
McKeon	Roukema	Whitten
McKinney	Rowland	Williams
McNulty	Roybal-Allard	Wise
Meehan	Rush	Wolf
Meek	Sabo	Woolsey
Menendez	Sanders	Wyden
Mfume	Sangmeister	Wynn
Mica	Sarpalius	Yates
Miller (CA)	Sawyer	Young (AK)
Mineta	Schenk	Young (FL)
Mink	Schumer	Zeliff

NOT VOTING—12

Bishop	Hancock	Romero-Barcelo (PR)
Edwards (CA)	Hunter	Tauzin
Faleomavaega (AS)	Kaptur	Velazquez
Gingrich	Lloyd	Washington

□ 1414

The Clerk announced the following pair:

On this vote:

Ms. Kaptur for, with Mr. Edwards of California against.

Ms. HARMAN, Mr. INHOFE, and Mr. ZELIFF changed their vote from "aye" to "no."

Messrs. NATCHER, FOGLIETTA, OBEY, and ANDREWS of Texas, changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(b) of the Federal Transit Act, administered by the Federal Transit Administration, $1,000,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, $45,000,000, to 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 make a point of order against the language appearing in the bill on page 37, line 15 through line 18. It provides appropriations for programs not authorized by law and is 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, we concede the point of order.

The CHAIRMAN. (Mr. BOUCHER). The point of order is conceded and sustained.

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

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

With regard to the National Highway Traffic Safety Administration, we are particularly proud in New Jersey to have one of the leading trauma care researchers nationally examining the relationship between vehicular structure and accidents and traumatic injury, care, cost, and patient outcome and recovery. This work has been supported by NHTSA. I consider this especially important to continue and, therefore, seek the gentleman's reassurance that this work will continue under the NHTSA fiscal year 1994 spending plan, as we are about to enter the next critical phase of this project.

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

Mr. PAYNE of New Jersey. I yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I would be glad to give the gentleman assurances that our subcommittee will do all that we can. This was a topic in our hearings this year with NHTSA. We found that they did not have quite the enthusiasm for the project that we do.

We believe that there is much to be learned by clinical research that is examining what happens inside an automobile in a real crash.

Not only is the gentleman to which you refer, in the State of New Jersey, an excellent researcher, but I also should add there are others we are aware of at the Ryder Trauma Center at Jacksonville Memorial Hospital in the city of Miami. These people have added greatly to the knowledge of NHTSA and crash survivability.

In fact, we believe that we ought to have a few more researchers around the country doing this so that we sample different populations of people in automobiles.

I hope that the individual expected to be nominated as new NHTSA Administrator, Dr. Martinez, who is not a highway engineer but a physician who has an EMS background in northern California, will also have this same inclination toward clinical research.

□ 1420

Indeed, I have had a conversation with him about it. I think that we will be able to work very productively with him on the kind of clinical research that the gentleman raises. I thank the gentleman for raising this small but important aspect of NHTSA research before the Congress and the American public.

Mr. PAYNE of New Jersey. I thank the gentleman very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $10,901,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

AMENDMENT OFFERED BY MR. ROGERS

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

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 38, after line 19, insert the following:

ADDITIONAL HIGHWAY PROJECTS

APPALACHIAN CORRIDOR IMPROVEMENT PROJECT

For 80 percent of the expenses necessary to continue construction on Kentucky Corridor B of the Appalachian Development Highway System, as authorized by section 1069(y) of Public Law 102-240, $3,800,000.

CUMBERLAND GAP TUNNEL PROJECT

For 80 percent of the expenses necessary for the Cumberland Gap Tunnel Project, as authorized by 1069(c) of Public Law 102-240, $10,000,000.

Mr. ROGERS (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 Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, this is a simple amendment. It adds funds for two projects that were in the bill earlier. They have been authorized, and I think the amendment has been cleared by the parties concerned.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Does the gentleman desire to be heard now on the point of order?

Mr. MINETA. Yes, Mr. Chairman, I raise a point of order in order to explain the situation about this amendment.

This amendment would provide funds for two projects that I struck earlier on a point of order. The stricken provisions would have funded these projects out of the highway trust fund. For that reason, and for other reasons that I stated at the time, the provisions were in violation of rule XXI.

This amendment, however, is a redraft of those provisions. It does provide funding for the projects out of general funds, not out of the highway trust fund. It also limits the availability of funding for fiscal year 1994, thereby curing another violation in the earlier provision.

Accordingly, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I do not have a lot to argue here. I think the matter is ready for a vote. I think the parties have inspected it and scoured it carefully.

Mr. Chairman, this amendment would provide $3,800,000 in funding for corridor B in Kentucky of the Appalachian Development Highway System. Construction is underway which will provide four-lane service along a 15-mile section of corridor B between Paintsville, KY, and Prestonsburg, KY, in Johnson and Floyd Counties, respectively. The funding in my amendment is intended to be utilized for this section. Authorization for appropriations for this purpose is contained in section 1069(y) of Public Law 102–240, the Intermodal surface Transportation Efficiency Act of 1991.

My thanks go to the chairman and ranking minority member of the Appropriations Subcommittee on Transportation for their help and support for this important work in my congressional district, and also to the chairman and ranking minority member of the Committee on Public Works and Transportation for their cooperation.

I urge adoption of the amendment.

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

Mr. ROGERS. I am happy to yield to the gentleman from Michigan.

Mr. CARR of Michigan. Mr. Chairman, I thank the gentleman for yielding to me. We have reviewed the amendment and find it to be in order, and to be a good amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $12,320,000, of which $1,334,000 shall remain available until expended: *Provided*, That up to $1,000,000 in fees collected under section 106(c)(11) of the Hazardous Materials Transportation Act (49 U.S.C. App. §1805(c)(11)) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I make a point of order against the language appearing in the bill on page 38, line 22, through page 39, line 10.

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

Mr. LINDER. Mr. Chairman, these paragraphs provide appropriations for programs not authorized by law, and are in violation of House rule XXI, clause 2.

The CHAIRMAN. Do other Members desire recognition on the point of order?

Mr. CARR of Michigan. Yes, Mr. Chairman. We concede the point of order.

Mr. CHAIRMAN. (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

AVIATION INFORMATION MANAGEMENT

For expenses necessary to discharge the functions of Aviation Information Management, $2,533,000: *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 training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That there may be credited to this appropriation funds received from user fees established to defray the costs of obtaining, preparing, and publishing in automatic data processing tape format the United States International Air Travel Statistics data base published by the Department.

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development, $915,000: *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 training, and for reports publication and dissemination.

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,863,000, of which $585,000 shall 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 training, and for reports publication and dissemination.

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, $6,160,000, of which $180,000 shall be derived from the Pipeline Safety Fund: *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 training, and for reports publication and dissemination: *Provided further*, That no employees other than those compensated under this appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Management and Administration, and the Office of the Chief Counsel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $19,479,000; of which $2,449,000 shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended; and of which $17,030,000 shall be derived from the Pipeline Safety Fund, of which $8,400,000 shall remain available until expended.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $400,000 to be derived from the Emergency Preparedness Fund, to remain available until expended: *Provided*, That not more than $10,350,000 shall be made available for obligation in fiscal year 1994 for amounts made available by section 117A(h)(6)(B) and (i)(1), (2) and (4) and section 118 of the Hazardous Materials Transportation Act, as amended: *Provided further*, That such amounts shall only be available to the Secretary of Transportation.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $39,000,000: *Provided*, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101–576.

POINT OF ORDER

Mr. LINDER. Mr. Chairman, I raise a point of order against the language appearing in the bill on page 42, lines 9 through 16.

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

Mr. LINDER. Mr. Chairman, this paragraph provides appropriations for programs not authorized by law and is in violation of rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CARR] desire recognition on the point of order?

Mr. CARR of Michigan. Mr. Chairman, we will concede the point of order. However, I would just like to say that this, again, illustrates why the Committee on Appropriations is called upon to act in the absence of authorizations. This is a situation we did not create and we wish would not exist, but we concede this point of order because the authorizing committees have not done their job.

The CHAIRMAN (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,348,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $37,105,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,5000 for official reception and representation expenses, $44,904,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further*, That $7,300,000 in fees collected in fiscal year 1994 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1994.

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk read as follows:

Amendment offered by Mr. HEFLEY: Page 43, strike line 15 and all that follows through page 44, line 2.

Mr. HEFLEY. Mr. Chairman, the amendment we are offering today strikes the funding of $44.9 million in new appropriations and $7.3 million in fees for the Interstate Commerce Commission. Why would we pick on the ICC? First, we think because it is unnecessary.

Originally, the Commission was in charge of enforcing regulations for all surface transportation. That includes railroads, trucks, buses, and moving companies. That was before the Staggers Act of 1980 deregulated the railroads and the Motor Carrier Act of 1980 deregulated the trucking industry, and the Household Goods Transportation Act of 1980 deregulated the moving industry, and the Bus Regulation Reform Act of 1982 deregulated the busing industry. To one degree or another, just about every industry under the ICC has been deregulated. This leaves the ICC with just a shell of regulations to enforce.

Second, we can save money by doing this. The ICC's remaining duties could be carried out by other agencies, and it could be done for less money. We do not need to spend $40 million a year to run the ICC.

I know someone is going to step forward and say, "Hey, you cannot do this on an appropriation bill, this is not the appropriate forum." Yes, you can, and yes, it is. Cutting unnecessary spending is exactly what the appropriation process is for.

Somebody else is going to say, "What about the ICC's remaining duties?" We thought about that. The gentleman from Ohio [Mr. KASICH], the gentleman from California [Mr. CONDIT], and I are introducing legislation to help the process along. Our bill would transfer the ICC's remaining responsibilities to the Department of Transportation. It would end wasteful duplication and it would save up to $30 million per year.

Mr. Chairman, the American people have voted for a change, and this is just the kind of change they voted for. It is an opportunity to trim the size of government. It is an opportunity to make government more efficient. It is an opportunity to save $30 million every year, and I hope my colleagues will support the amendment and our legislation.

Mr. Chairman, I rise in opposition to the amendment.

Mr. CARR of Michigan. Mr. Chairman, I rise in opposition to the amendment. The Hefley-Kasich amendment would strike $44.9 million in salaries and expenses for the Interstate Commerce Commission, and thereby eliminate all funding for the agency as of October 1, 1993. The distinguished gentlemen from Colorado and Ohio have indicated that their amendment would be the first step of a two-step process of transferring the responsibilities of the Interstate Commerce Commission [ICC] to the Department of Transportation [DOT]. They say that they will offer detailed legislation for later consideration that will spell out exactly which of the ICC's statutory functions and responsibilities are to be transferred.

Mr. Chairman, this amendment puts the cart before the horse. Why should we eliminate an entire agency, when we have no information about which, if any, of the ICC's functions are to be transferred to the Department of Transportation or any other Federal agency? Why should we believe, Mr. Chairman, that the Department of Transportation—a huge bureaucracy—can carry out the Commission's functions any better than the ICC does now? The answer is that we don't know, because we have not studied what is broken in the current system and what needs fixing. But, zero funding the Commission is not the right way to do it.

Mr. Chairman, I believe that there is really another agenda at work here. For several years, the distinguished gentleman from Colorado has introduced a bill to sunset the ICC—in 1988, 1989, 1992, and again this year. He has been unsuccessful and now we are being asked to blindly terminate funding for an agency, because the authorizing committees have refused to go along with what the gentleman from Colorado seeks; that is, to deregulate the surface transportation industry.

Mr. Chairman, the ICC is mandated under the Interstate Commerce Act to regulate interstate surface transportation by railroad, truck, bus, inland barge, certain pipelines, and household goods movers. The ICC's activities are aimed at ensuring that competitive, efficient, and safe interstate transportation services are provided to meet the needs of the Nation's shippers, receivers, and consumers. If Congress desires to further deregulate interstate transportation, to transfer or eliminate the Commission's current statutory functions, that is our prerogative. But, this is not the time nor the place to have that debate.

Mr. Chairman, no congressional committee—either an authorizing committee or the Appropriations Committee—has recommended that the ICC be abolished. No public hearings have been held on this matter. The Department of Transportation is opposed to this amendment. Indeed, President Clinton submitted a budget request of $45.4 million for the ICC for fiscal year 1994. Yet, under this amendment, we would wipe out an entire agency in one fell swoop without any meaningful consideration of its functions and responsibilities.

Mr. Chairman, in their "Dear Colleague," the sponsors of this amendment say that their legislation does not repeal any current regulatory function, nor does it address how much regulation is appropriate for the transportation industry. Yet, this amendment would in effect preclude the ICC from implementing regulatory activities

mandated by law. Nor does the amendment put into place any alternative regulatory mechanisms within the Department of Transportation.

The end result of the amendment would be to harm farmers and agricultural shippers who rely on the ICC to determine the reasonableness of rail rates and practices; to undermine efforts to ensure competition in the intercity bus industry; to harm rail labor and other individuals affected by rail mergers, sales, constructions, and abandonments; and to terminate the assistance provided by the ICC to thousands of consumers who encounter problems in their dealings with regulated carriers. For example, each year, the ICC investigates about 2,600 complaints alone from individuals with complaints against household goods moving companies.

Mr. Chairman, there are many other beneficial activities carried out by the ICC on a daily basis. A few additional examples are:

First, the ICC ensures that interstate trucking firms carry insurance.

Second, in recent years, the ICC has brought a number of enforcement actions against bus operators transporting passengers to special events, such as casinos or bingo games, who had no insurance or authority to operate.

Third, the ICC has revoked the certificates of registration of Mexican motor carriers because the companies misrepresented the nationality of their owners in applying for ICC approval and were operating illegally in the United States.

Fourth, the ICC has conducted annually over 500 compliance surveys, 15,000 safety fitness reviews of motor carriers, over 1,000 preliminary investigations, and 400 final investigations. Moreover, questions of safety, insurance, and compliance will become even more demanding if the North American Free-Trade Agreement is passed.

Fifth, the ICC recently completed a number of cases involving tariff violations where the motor carrier agreed to withdraw balance due bills for undercharges sent to customers and to refund all moneys collected as a result of balance due billings for undercharges.

Mr. Chairman, the sponsors of this amendment argue that they are only trying to streamline the Federal bureaucracy and to save money. In regard to budgetary savings, I want to note that the ICC has already contributed its fair share toward deficit reduction. The agency has taken its share of budget reductions over the years. This bill provides $44.9 million and 620 staff years for the Commission and would allow the collection of $7.3 million in fees. The amounts in the bill represent a 67-percent reduction in staffing, and nearly a 50-percent reduction in the Commission's appropriation since 1981. What other Federal agencies can make the claim they are operating with 50 percent less money today than 12 years ago? The ICC has already had to reinvent itself to do more with less.

The gentlemen's "Dear Colleague" suggests that by eliminating "redundant" positions in general administration, human resources, field offices, and so forth, between the ICC and the Department of Transportation, we could save some $30 million per year. But, according to cost estimates prepared by CBO, savings of this magnitude would be possible only by eliminating Federal regulation of motor carriers, intercity buses, interstate water carriers, household goods freight forwarders, and other carriers now under the jurisdiction of the ICC. Again, Mr. Chairman, this amendment is not about making Government more efficient and streamlined. It's about doing away with fundamental economic and safety regulation of interstate surface transportation.

And let us be clear that this amendment does not transfer any ICC functions to the Department of Transportation; it would eliminate the entire agency. Six hundred twenty-five people who now work at the agency who would be laid off under this amendment. This amendment makes no provision for the transfer of any of these employees to the Department of Transportation or any other Federal agency. According to Commission estimates, approximately $30 million would be required to cover severance costs for some 600 Commission employees who would be laid off. Moreover, Mr. Chairman, this amendment is flawed because it makes no provisions for the orderly close-out of ICC operations that would be required by the amendment.

Mr. Chairman, the ICC has a unique role in regulating some 61,000 for-hire companies to ensure that competitive, efficient and safe transportation services are provided. This amendment would terminate the activities of the ICC which are beneficial to consumers and those involved in the transportation of goods and people. The amendment is ill-advised.

I urge the defeat of the amendment.

□ 1430

Mr. KASICH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I guess I would start by saying: "AL GORE, where are you?"

This is an effort to really invent Government. This is the first vote in the House of Representatives on trying to really reinvent Government. BOB CARR is right when he pointed to our wagon here. As Members can see, the Interstate Commerce Commission was created in 1887, and one of the things it regulated was the wagons that carried ice around America. And since this time that it was created in 1887, all of these changes have occurred in the Federal law to deregulate all of these industries that the gentleman from Colorado [Mr. HEFLEY] referred to.

They still have functions and they still have some authority. That is why we do not want to just eliminate the Interstate Commerce Commission, but we want to transfer the authority from the Interstate Commerce Commission into the Department of Transportation and consolidate. The chart here just describes some things that talk about how outdated this is, and how we need to reinvent Government.

But let us get back to the basic. Gregory Walden, who is an ICC commissioner, and I talked to him yesterday, has said, and has published papers saying, "One is hard pressed to locate a single type of function that is not currently being performed by DOT or other Cabinet departments." One of the commissioners of the ICC says get rid of it. Put the function in the Department of Transportation.

Senator DANFORTH feels the same way and will be offering the same amendment, and will transfer authority into Commerce.

Now people say—people say if you are going to transfer the authority how do you save money. These are the offices that can be eliminated. I am not going to tell you they have to be eliminated, but these are the ones that are obviously subject to elimination if we consolidate with DOT, and let me tell you what they are. You do not need five commissioners' offices anymore. You do not need an Office of Congressional Relations so they can come up and lobby to perpetuate this antiquated operation. You do not need the Office of Human Relations, the Office of Inspector General. You do not need any administrative services. You do not need system development. You do not need library services. And you could cut down on the field offices of this agency.

All we are trying to do in this amendment, the only thing that we are trying to do is to say consolidate the ICC within the giant bureaucracy of the Department of Transportation, which I believe has 68,000 employees. If DOT needs some of the employees from the ICC to carry on the functions that remain, that are useful, we are willing to allow them to take some of the savings from the Interstate Commerce Commission bureaucracy and transfer some of those dollars into DOT so that the same functions can be performed within DOT without having to have two separate bureaucracies.

AL GORE, where are you? This is what AL GORE is saying he wants to do. We are not trying to do away with any of the regulations. We are not going to make that decision here. All we are trying to do, is to do away with duplicative authorities, bureaucracies, and we are trying to save taxpayers' money.

The simple fact is you may ask why are we doing it on an appropriation bill. Because it is the only chance we have. Now could you imagine. I say to

my colleague from Ohio, that you would go back to your districts and tell your people well, you see, the reason why we do not consolidate these bureaucracies is because I did not have an authorization bill to do it, and I did not want to eliminate it in the appropriations bill because if we had done it then I would not have crossed all of the t's and dotted all of the i's, and it would not have been congressionally proper. Now what would your constituents say about congressionally proper?

This is the opportunity to reinvent Government. This is not a Republican or a simple Democrat position. We have the gentleman from California [Mr. CONDIT] on the Democrat side. This comes down to those who want to protect the status quo, and those who want to responsibly change the status quo.

If this amendment should pass, we have a further amendment that would allow the transfer of some dollars into DOT to pay for these bureaucrats that need to be moved over whose functions are vital.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

(By unanimous consent, Mr. KASICH was allowed to proceed for 2 additional minutes.)

Mr. KASICH. What we do is we ask that the Secretary of Transportation do a smooth transition and consolidation. Now that is a very reasonable approach. Get rid of the ICC, the bureaucracy, take the functions that are critical and move them into DOT. Let some of the bureaucracy from ICC go to the Department of Transportation to do the necessary functions. Eliminate the overgovernment, the waste, the duplication of taxpayer dollars. We can achieve the same results and still save money by reinventing Government.

I want to say to my colleagues that this is our first chance. Every single amendment to this bill so far has been defeated. We did not mess with demonstration projects here. I do not know where we are finally going to come down on mass transit, and that is a legitimate debate between all sides. But this should be one that we should all embrace. And as we get to the conference committee on appropriations we can figure out ways to work this.

Really, it is the will, it is the will to really reinvent the Government of the United States. It is the will of the Republican Party to support AL GORE's position that there are things in the Federal Government that could be made more efficient. And we ask Members on a bipartisan basis to reinvent Government for the United States, maintain safety in America, save money for the taxpayers. We can have it all around if we can just beat down the enemy of the public, and the enemy in Washington, DC, Mr. Status Quo, has got to go.

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

Mr. Chairman, as the chairman of one of the legislative committees which deals with the affairs of the ICC, I want to explain to my colleagues why this is a bad amendment.

The first reason is that the author does not know what the ICC does. He has never considered the basic questions of why we need to have the kind of matters that are handled by the ICC done by an administrative agency which has an open process which is available to Members of Congress to know what goes on.

The ICC in the area of railroad service has jurisdiction over mergers, consolidations and bankruptcies, abandonments, and line sales. Now why is it important that this be done in an open and a collegial body?

□ 1440

Because the Congress needs to know what is going on inside that agency. The ICC can approve the abandonment of rail lines as long as 1,000 miles or longer, indeed intercontinental. Think, if you will, please, about what you would do if rail service were to be abandoned in your district involving a single community or a number of communities and the consequences of that abandonment to the people in your area. Think about the abandonment of a single spur which would terminate the service to a factory, to a community, to a waste treatment plant, to a water treatment plant. Imagine the consequences of shutting a silo or a grain elevator which serves a rural community. And imagine if it is done by some bureaucrat down in the bowels of the Department of Transportation instead of being done in an open process into which you and your constituents can intervene. You know, if you look into parts of the Middle Western United States—Iowa, Colorado, the Dakotas, western Minnesota, in Colorado, Kansas, Nebraska—you will find that there are huge areas in those parts of the country which today are being afflicted by the closure and by the shutdown and abandonment of large amounts of transportation services; that is, the rail service upon which those communities are dependent. Imagine if you are a Member of Congress from Texas or Colorado and all of a sudden rail service is terminated and you have got a factory that has to have rail service to move heavy commodities in and out that cannot be moved by truck, in an area where there is no barge service, and where you cannot see to it that your constituents have the opportunity to be heard, and that there is no public record—as there would not be.

Now, this is an interesting amendment; it tends to show that it has not been considered. We are told that at some time later, if we adopt this, some amendment may be offered to this legislation which will permit the House to consider then the transfer of funds. But this House, under the rules which we have here before us, cannot deal with how the functions will be transferred and what functions will be transferred and how they will be administered.

There is no way whatsoever that the transfer of these functions can be defined or that you can assure that the openness of the procedures will be available to protect your constituents.

Contemplate what happens if the major industry in your district confronts, under this amendment, the closure and termination of rail service into the principal industry in your district and you have no requirements of openness or fairness or collegiality and fair consideration, as are now required by the Administrative Procedures Act, and as are now imposed upon the ICC for the protection of your constituents. Imagine what you are going to do when you find yourself confronted with that particular situation.

Now, it is interesting to note the quote; the fellow by the name of Walden, he is supposedly a great authority on these matters. My colleagues should know that he got appointed virtually the last day of the last administration. He has not been confirmed, he has never been scrutinized by the Senate or the Congress, he has never appeared before this or any other legislative body, and he serves only until the time—and let us hope it comes at an early time—that his successor is appointed and duly qualified, because he has shown with some convincing evidence that he does not know anything about the business.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Let us go to other things. Now, rail service: Those who exist in the Midwest in the flood area, my colleagues who come from that area know that there is need of rail service and the need for there to be arrangements for alternative services. Who is the agency which is charged under law with assuring that those services are available? Guess. The ICC.

That is the agency that you and I and all of us as Members of this body will go to to assure that rail service in time of trouble of that sort, is available to the people whom we serve. You will ask, I am sure, that if your constituents are afflicted with that kind of situation, that they have the opportunity to have it done in a fair and open and a public process in which a record is kept. Imagine the possibility of a bankruptcy. You want to see to it that if there is a bankruptcy, that that

bankruptcy is handled in an open manner by a collegian body which is responsible to the Congress and which has a duty to come up here in response to the Congress' command.

It is also your hope, I think and hope, that you would see that body function in an open fashion in connection with matters of this sort.

Now, the ICC has responsibilities over the highway safety, and a broad array of similar responsibilities to those which I have been describing in connection with highway safety, barge transportation, and a number of other matters. They deal with questions involving the reasonableness of rates. And if you want to see rates made, you do not want to see rates made as they would be made in Europe where some bureaucrat in the ministry of transportation stamps "approved" or "disapproved" or he decides that he will act or not act.

The ICC is an agency which is required by law to hear the proceedings before it, to do it in an open fashion and to proceed in a fashion which allows all of us to know what that agency is doing.

The same thing cannot be said about the Department of Transportation. They have a duty to see that their information services on the costs of transportation so that we can understand whether our people are receiving proper services at fair costs. And that is what the library that was referred to does; it was not just a collection of books, it was a collection of information on rates and ratemaking.

I would urge my colleagues to reject this amendment. It is at best frivolous and it is assuredly mischievous. I will tell you that if this amendment is adopted, you have no assurances that any of the essential responsibilities that are carried out by the ICC will be carried out by the DOT or even that this body, in the proceedings in which we are now engaged, can do anything to see to it that those responsibilities are transferred in a way which will leave us, as a Members of this body, responsible to the people who elect us, able to go home and say, "We have protected you against abandonment, we have seen to it that the processes of Government affecting you and affecting transportation," which is after all the lifeblood of this Nation, "are conducted in a fair, open, and responsible fashion."

Mr. Chairman, I urge my colleagues to reject this amendment. It is irresponsible, it is unwise; its benefits are conjectural and it is dependent on the somewhat dismal hope that at some future time somebody will offer an amendment which will in fact, in part, cure it.

Remember that if you vote for this amendment, you can anticipate one thing: that the processes which are now open and in which you may have an intelligent and wise participation and in which the concerns of your constituents will be met in an open and fair fashion, will be closed to you. And on questions like abandonment and services to grain elevators, to industries in your districts, to farmers and communities, you will have very, very little say and very, very little access to the projects.

I urge my colleagues to reject this outrageous amendment.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words. And let me first apologize to the gentleman from California [Mr. CONDIT], who is a coauthor of this amendment, I felt it was important for me to come up following the chairman [Mr. DINGELL] because I serve on the Transportation Subcommittee of the Committee on Appropriations and I wanted to respond to some of the things which the chairman of the Committee on Energy and Commerce has said.

Mr. Chairman, I have the utmost respect for the gentleman from Michigan, the chairman of the Committee on Energy and Commerce. The chairman, when he describes the functions of the ICC, is totally correct in everything he says as to what the ICC does, and its functions, which are in response to the laws that have set up the functions of the ICC.

The only thing I might mention in the area of regulating trucks and regulating rates, it is the function of the ICC to get involved in the free enterprise system and mess it up because it gets involved in normal ratemaking, and deals being made between shippers and truckers, and it messes it up. But that is a different issue.

□ 1450

This amendment does not change any of that law at all. What this amendment does and the intent is to move the ICC from its present structure and move it into the Department of Transportation. Nothing that the chairman of the Committee on Energy and Commerce has said would be removed or stopped under the intent of this amendment, nothing, because the Department of Transportation can handle all these functions within itself without the overhead of the ICC.

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

Mr. DELAY. I am glad to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I would like to ask the gentleman, under this amendment as we transfer the authority that is legitimate, that the Secretary of Transportation believes must be transferred to the Department of Transportation, if in case of pestilence, war, flood, volcanoes, tornadoes, hurricanes, tsunami, does the gentleman think America will survive?

Mr. DELAY. Mr. Chairman, the gentleman from Ohio makes a wonderful point.

What we are trying to do is to help the Vice President and the President reinvent the Government. This is a perfect agency that really, in my opinion, serves no useful function, except that maybe you can make a case for the railroads that was made by the chairman, but that can be done in the Department of Transportation.

Now, as to the allegation that this is a frivolous amendment, that it only cuts the ICC out and does nothing and we cannot put it in because of the present structure, that we knocked out the entire Office of the Secretary of Transportation and there is no place to put it in this bill, listen, we all know how this place works. I serve on the Transportation Subcommittee on Appropriations.

What will happen to $45 million cut by this amendment? The $45 million will not go to deficit reduction. The $45 million stays in the account of the Transportation Appropriations Subcommittee, and when we get to conference and reestablish the Secretary of Transportation's Office, we will take that $45 million, less the overhead for ICC, and give it to the Secretary and say, "Do your job." That is what will happen.

Now, this is a perfect chance. Ask yourselves, have you gotten any letters in the last 10 years in support of the Interstate Commerce Commission? The only letters I have received, the only contact I have had, are the fully paid Commissioners who serve on the Interstate Commerce Commission, Commissioners that in some cases did not even meet for 5 years and got paid.

The chairman talks about all these hearings on rates and trucking, they do this and do that. They have not had a rate hearing in ages. They collect the rates that are sent to them by the shippers and the truckers. They put them over in a file somewhere.

We even had comments in testimony somewhere about putting them in boxes. They wanted this big supercomputer, put it all into computers. All they do is just collect information. They do not do anything, except draw salaries.

Now, this is a perfect place for you to do something about streamlining government, do something that is good, streamline government. Let us make the responsibilities of the ICC more efficient. If we still have to continue doing the things the chairman of the committee on Energy and Commerce says are important in the ICC, the Department of Transportation can perform all of them.

Mr. Chairman, vote aye on the Kasich-Condit-Hefley amendment.

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

Mr. Chairman, today we have a perfect opportunity to move this concept of reinventing government along. We

can take a step today, granted it is a small step, but we can take a step in the direction of streamlining the Government.

We are doing exactly what has been called for in the proposal of reinventing government, that is to define areas that are unnecessary and begin to eliminate them.

I call upon my colleagues today out there watching, if you want to be a part of that, if you want to be on the cutting edge, if you want to be up front and streamline this Government, this is the first vote today.

Now, along with my colleague, the gentleman from Ohio, I called the commissioner yesterday, because I could not believe this. I could not believe what I was reading about the ICC.

What he said to me in a nutshell was that it is unnecessary, that most of the responsibilities have already been sent out to other agencies, and because of deregulatory legislation, its responsibilities are almost zero, and whatever responsibilities are left are duplicated by other agencies.

He also mentioned the world "wasteful." It is wasteful for us to continue the ICC, and he pointed out to me, I already knew this, that this is not a new idea. This idea has been floating around for a long time.

A lot of people concede that we ought to do this, but they want to do it at another time, a different day, a different year. This is the day to do this.

The Grace Commission called for this. The CBO deficit option plan calls for this.

The gentleman from Texas [Mr. DELAY] I believe in 1986 had a bill to do this.

It is time for us to streamline government.

He also said to me that all the functions that we are concerned about, in all due respect to the chairman of the Committee on Energy and Commerce, what he said to me was all those functions will remain. They will be protected and performed by the Department of Transportation, and we are prepared to take the second step.

The second step is to assure that those functions that need to be performed are done by the Department of Transportation.

Let me say that eliminating what we do not need and consolidating functions is exactly what Vice President GORE and President Clinton are asking us to do, to eliminate what we do not need.

Mr. Chairman and Members, we do not need the ICC today. It is a 100-year-old agency that has outlived its usefulness, and it is time to eliminate what we do not need.

Mr. Chairman, let us take the step today toward reinventing government. If we cannot take this tiny step, we are going to have a hard time taking the steps that we need to take to really reinvent government, so let us take this small step today. Let us support this amendment. Let us be helpful to the Vice President and to the President in reinventing government, and eliminate what we do not need.

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

Mr. Chairman, I rise in opposition to the amendment. The argument, as I understand it on this amendment, is that by transferring the regulatory activities and oversight responsibilities of this independent agency to the executive bureaucracy, we will have more efficient oversight of the national transportation system. There are two obvious flaws to that argument.

First of all, this amendment assumes that if we cut off funding for this independent agency, we will then come back after the fact and amend or eliminate the Interstate Commerce Act itself, that the functions of the ICC can be assumed all or in part by the Department of Transportation.

In the meantime, there will be no regulation, no oversight, no cop on the beat for surface transportation in this country.

The second logical leap that this amendment takes is that by subsuming an independent, and I might add an effective agency of 620 persons in a Department of 68,000, we are somehow going to make more efficient the work now being done by an independent regulatory body that has already undergone major downsizing without any loss of effectiveness.

Earlier speakers have given the impression that Congress over the years has done nothing to deal with the ICC. He says this is our first opportunity. Nonsense.

In the past 14 years, the Interstate Commerce Commission has cut its employment level from a little over 2,000 workers to just over 600. That is a 70-percent reduction in work force.

Appropriations over that period, not reflecting inflation, have dropped 42 percent.

Congress, it is implied, has somehow been shirking, paying no attention or allowing the ICC as its responsibilities have changed to just remain the same as it has always been, and that is nonsense and it is not true. Congress has been shrinking the ICC already in an orderly fashion. There is no reason to believe that we will not do more as is indicated.

□ 1500

The question was asked, "Where is AL GORE," which I though introduced a wholly unnecessary, partisan tinge to this entire debate. The fact is AL GORE is there. It is just we have got some people that are running as fast as their little legs will carry them to get out in front of him, take a couple of bows before the parade comes along and tramples them. Congress is going to be dealing with the reinvention of Government, and where it is necessary we can look at this. But we are going to do it in an orderly fashion.

In their "Dear Colleague" on July 21, Mr. Chairman, the proponents of this amendment said that after its passage they will introduce legislation to clarify, and that is their word, clarify, what it is they mean to do in transferring the functions. They also state that after they have dismantled the ICC they would like to have the Secretary of Transportation submit some recommendations to Congress on what pieces of the Interstate Commerce Act should be kept and which pieces perhaps should be thrown away.

I would be most pleased to hear from the Secretary as to any recommendations the administration has to amend the Interstate Commerce Act. It is not sealed in concrete. The Committee on Energy and Commerce made a major overhaul of that act in 1980 through the Staggers act, and if the proponents of this amendment want to introduce legislation to clarify which powers the Interstate Commerce Act they wish to change, I would encourage them to do so. The approach they have taken, however, is to make the regulation of surface transportation a high-speed game of chicken. "Pass the amendment," they say, "and then, and then, we will come back, and we will clarify, and we will recommend, and we will submit detailed legislation for later consideration to see if what we have dismembered we should try to put back together." That is a heck of a way to run a railroad.

Defeat the amendment and permit the orderly process through reinventing Government and other procedures to determine what needs to be done. On this amendment vote "no".

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

Mr. Chairman, my colleagues, maybe we should eliminate the ICC, but this is surely not the way to do it. We would create chaos in the transportation industry if we zeroed out the funding for the ICC without determining exactly how we are going to have the critical functions, which under the law they must perform, provided for.

For example, there is a negotiated rates crisis in the trucking industry today, a $38 billion problem involving thousands of companies, and enormous administrative proceedings and litigation. This would be thrown into complete disarray with no agency dealing with this issue. The already beleaguered trucking industry would indeed be thrown into chaos.

Mr. Chairman, we should look at the question of the ICC, and I for one welcome the recommendations of the Vice President. But let us do it in an orderly fashion. Let us first determine what

the policy should be and how we should change the ICC or if we should eliminate it, and then let us make the related decisions concerning the dollars and the budgetary implications thereof.

This is an irresponsible amendment in my judgment, and I think it should be soundly defeated.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as chair of the Committee on Public Works and Transportation, I rise in opposition to the amendment.

The committee shares jurisdiction over the Interstate Commerce Commission [ICC] with the Committee on Energy and Commerce. Neither committee has recommended that the ICC be abolished, and I firmly believe that even if such a proposal should be considered, it should be scrutinized closely by both committees before any action is taken by the House.

It is virtually impossible to dismantle an agency of the Federal Government between enactment of this bill and October 1, 1993, which is the beginning of the fiscal year.

Controversy over economic regulation of the bus, truck, and bus industries has been going on for years. After the major regulatory changes were enacted in the early 1980's the controversy refocused on further regulatory reforms, including Federal deregulation. To date, no new major reforms have been enacted and efforts to deregulate those transportation industries regulated by the ICC have not been successful. During that time, however, Congress has lessened substantially the staff at the ICC.

If the Congress is going to shut down the ICC, it should do so only after comprehensive hearings on such action and only after it has a clear understanding of all the implications of terminating regulatory controls on major segments of the Nation's transportation industry—an industry which has revenues of over $125 billion.

It is my firm view that it is bad policy to terminate economic regulation of our transportation industry by eliminating funding for the responsible agency to carry out its functions without addressing at the same time the underlying regulatory laws. Under the amendment, the underlying regulatory laws would remain in place; however, there would be no agency left to enforce them. The resulting situation would be chaotic. It would be extremely detrimental to the railroads, trucking companies, and bus companies regulated by the ICC and to those that they serve.

It is my understanding that the sponsors of the amendment claim that if the amendment is adopted they will offer legislation at a later date on how to transfer the ICC's regulatory functions. No light is shed upon which functions will be retained or to which agency these functions will be transferred. To put it mildly, this is placing the cart before the horse. If fiscal year 1994 starts and no such legislation has been enacted—the Nation will be faced with a major problem—one that could have major economic consequences on the rail, trucking, bus industries and the shippers and public served by them.

Although the sponsors of the amendment claim cost savings, it is not quite clear as to how much—or even if any—savings would accrue as a result of this proposed action, or how those savings would be achieved.

Finally, I would point out that the amendment would dismantle an agency of the Federal Government without any thought to or prior provision for the transition of staff agency function. I firmly believe that the Congress should not authorize the closing of this agency or any agency in such a precipitous manner.

I therefore ask my colleagues to join me in opposition to the amendment.

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

Mr. Chairman, what we are talking about is reducing Government spending. Sometimes we propose reducing Government spending with across-the-board cuts, and sometimes Members of Congress come to the floor and explain that you cannot cut across the board because some Government spending is more important than other Government spending and, by reducing across the board, irrationally you make everything work less well.

So, in this season we are talking about a more sensible way to cut the Government and to reduce it. We are talk about actually liquidating those things we do not need, and an across-the-board cut in the library might have all the logic of taking 5 percent out of every book. That would not work very well.

I say to my colleagues, "Sometimes, if you are running a failing enterprise, as we are here, with a $4 trillion debt and a $300 billion annual loss, you have got to look at liquidating those parts of the operation that don't work, shutting down the unprofitable ventures and putting your resources where they really do accomplish something."

Now the ICC is the oldest regulatory agency in Washington. It was created in 1887. It is hoary. It is ancient. It no longer has a function to perform. The original bill creating the ICC was 10 pages long. It simply required that rates be reasonable and that they be published. It prohibited discrimination and price fixing.

Now the ICC Act is over 500 pages long. It governs everything from container size, to truck shipping rates, to safety standards for buses. The trouble is that in recent years Congress has so diminished the actual responsibilities of the ICC in this area that it has nothing left to do.

Since 1980 Congress has deregulated the railroads, we have deregulated the trucking industry, we have deregulated the moving industry, we have deregulated the busing industry, and yet the ICC lives on only to deprecate the work of the Department of Transportation and other agencies.

The deregulation of the last few years has increased competition and reduced costs to consumers. The success of deregulation frankly makes the entire function of the ICC unnecessary. It has an annual budget of $40 million. We know from the ICC itself that this bill will save us between $2.3 million in the first year and $8.6 million in each subsequent year.

Mr. Chairman, the amendment is supported by people like Citizens for a Sound Economy, Citizens Against Government Waste, the National Taxpayers Union, even the National Association of Manufacturers, and yet people here on the floor have called this amendment outrageous. That was the word of the chairman of the Committee on Energy and Commerce.

Other people have called it irresponsible. I have noted that some people have said we should actually eliminate the ICC, but just that we must do it in an orderly fashion. I interpret that to mean not now. Somebody else said this is not the way to do it. The right way to do it is later. Another Member said it is virtually impossible to dismantle any agency of the Federal Government this year. Well, I cannot think of anything better to do than start with the oldest, most ancient, hoary regulatory agency in Washington, something that the majority of the commissioners said should go and has no more function. Let us liquidate it. The only chaos, and one Member said we would have chaos if we did this, the only chaos is going to be the shouts, and hoots and hollers of taxpayers across the Nation that we finally closed something down around here.

I say to my colleagues, "Let's face it. With a $4 trillion national debt we can no longer talk about reducing the rate of growth in Government spending. We have got to liquidate entire parts of the Federal Government."

□ 1510

This is the best place to start. Let us just do it.

Mr. RAHALL. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, this amendment is not necessarily frivolous in its nature; it is just simply ridiculous. It shows the need for and the responsible role of government in providing some type of stability over our society and over business and they way our economy should be governed, in my opinion.

Mr. Chairman, I rise, in my capacity as the chairman of the Subcommittee

on Surface Transportation, in opposition to this amendment to eliminate funding for the Interstate Commerce Commission.

Mr. Chairman, over 100 years ago the ICC was created to regulate transportation services provided by railroads. In the 1930's, this jurisdiction was extended to the motor carrier industry.

In both instances, the purpose and intent was—and to this day remains—the same: The public interest requires that transportation services, which are critical to the growth and stabilization of our Nation's economy, be subject to governmental oversight.

Absent some economic regulation, cutthroat competition among carriers leads to numerous bankruptcies, as well as discriminatory and inadequate service.

The ICC was established to put an end to, or at least curtail, these problems for the betterment of all Americans.

In fact, when the ICC fails to enforce provisions such as the filed rate doctrine—as it has done so under the deregulatory zealots of the last two administrations—the adverse effects on the trucking industry become readily apparent.

Bankruptcies, unemployment, despair, owed wages and pension fund deficits occur.

I would submit that by requiring motor carriers to file their rates with the ICC, and adhere to those rates, all industry participants—both carrier and shipper—will be insured of having knowledge of all market prices.

This is one of the primary reasons to maintain a viable ICC, such as the type we expect to see emerge under its current chairperson.

In short, if you wish to see chaos and anarchy in the rail and trucking industries, then support this amendment.

But I happen to believe that when we look at the facts we are seeing some type of regulatory policy which provides stability and order in today's marketplace.

In addition, the ICC has been downsizing. In 1980, for example, when the Motor Carrier Deregulation Act was enacted, the ICC was operating with an appropriation of close to $80 million, with an average employment of 1,946 individuals. In 1992 the annual appropriation for the ICC is down by close to 50 percent, to just a little under $41 million annual appropriation, and the average employment is down by over 60 percent to 613 average individuals employed at the ICC.

So the appropriation is not only coming down, but the employment at the ICC is coming down as well.

Mr. Chairman, I believe the public interest is best served by having the ICC as we currently have it, and I believe the public interest is best served by defeating this amendment.

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

Mr. Chairman, I yield to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, let me first of all say that in 11 years of offering amendments on the House floor, I have never heard such talk about the author not knowing what he is talking about and the amendment being irresponsible. I mean, it almost borders on personal attack, which kind of gets you a little upset, until you stop and you figure it out.

You see, this place around here operates in some respects like a Japanese horror movie. You know, those movies you get on Friday night like "Godzilla" and "Mothra"?

Mr. Chairman, let me tell you how this works. You see, the whole world, all the peoples of the world, try to figure out how to stop this monster, and all the monster wants to do is use any and every tactic it possibly can to preserve itself so it can continue to dominate.

See, that is why Congress is in some respects like a Japanese horror move, and it is exactly why Ross Perot and Rush Limbaugh and the people who are fighting the establishment down here are so popular.

Let me tell you a little bit about the budget. You see, the ICC budget did decline. But let me tell you what it is doing in 1994. It is headed back up again.

All of the functions that are designed to protect us against all the disasters we have heard about still are preserved within the Department of Transportation.

Mr. Chairman, let me tell you a couple of other things. The Federal Highway Administration, they handle safety fitness; the Railroad Administration, rail safety; the aviation mergers, Department of Transportation; and, you know, the Treasury and Agriculture actually handle economic regulation, as arcane and complicated as this.

Come on, folks. To say that one group of bureaucrats over at the ICC are not as good as the bureaucrats over at the DOT, that argument just does not hold water with anybody, except if you are living in the world of the status quo.

So what I would say to my colleagues is you have got to figure out if you are for what our President said last November. Are you for change? If you are for change, you have got to vote for this. If you are for the status quo, if you think for a second that the Department of Transportation cannot handle the problem of abandoned rail lines, that we have to have a complete bureaucracy of administrative services and systems development and an inspector general and commissioners' offices, and all of these field offices and library services, then come on. This is an attempt to keep things exactly like they have been since 1887.

In terms of the bill that we are presumably going to introduce, which I will do when I am done with my speech, I am going to drop it in the hopper, do you know what the bill says? The Secretary of Transportation will get together and the Secretary will figure out what functions he needs in order to guarantee the successful continued regulation and safety requirements we need in this country.

The bill is going in the hopper. It gives the Secretary of Transportation the authority to decide what he or she needs and the money they need and how much money we can save.

Mr. Chairman, the bottom line is it is a responsible amendment. This is an amendment that basically says no to Mothra and Godzilla and King Kong. Oh, no, you are not going to keep dominating us. Oh, no, the status quo is not going to keep surviving. Oh, yes, the American people are sick and tired of the same old business in Washington, DC. And Ross Perot and Rush Limbaugh and all the other talk show hosts who some people want to gag, you see, they will get their way, because what they are going to do is they are going to unleash the power of the people of this country who want to see this place fixed. They are tired of sending their money to support the same old tired, rundown Government, just like Jurassic Park government, the same old tired Government, let us just do it again and again.

But you know what? The people for change, we might not win this amendment. But do you know what? Our day is going to come. Because at the end of the movie they kill Mothra, and they kill Godzilla, and they kill King Kong, and they change the status quo. And so will we.

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

Mr. Chairman, I am opposed to the amendment. I am going to oppose the amendment, but in defense of my colleague, the gentleman from Ohio [Mr. KASICH], let me just say that I think he does speak about a certain frustration that a lot of people have. And I do not think it is appropriate to call this irresponsible or say the amendment makes no sense.

I remember in 1984 we did exactly what the gentleman from Ohio [Mr. KASICH] is saying when we merged the Civil Aeronautics Board. The first recommendation actually came under the Carter administration to merge the CAB, and we put it into the Department of Transportation.

So the idea does have merit, and I would urge the Congress and authorizing committees here to listen to what my colleague said.

□ 1520

My concern today is the impact on the employees, the impact on the mission until we actually have the way

whereby we are going to merit this. But I think the gentleman's bill makes sense and the idea, at least, makes sense. And I think the idea should be given a lot of consideration, because I did hear many of the same arguments made against the merger of the CAB into the Department of Transportation, some of the same arguments against that were made against the Kasich amendment.

Once we merged it into the Department of Transportation, it worked extremely well.

I sense that the gentleman is on to something that eventually, as this thing is carefully crafted, there will be a time, as we phase in, whereby it will be in the Department of Transportation. And quite frankly, under the leadership of Secretary Pēna, I would feel quite comfortable with it being there. And I would feel quite comfortable with it being there with the previous Secretaries of Transportation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 222, not voting 9, as follows:

[Roll No. 453]

AYES—207

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentley
Bereuter
Bliley
Blute
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Everett
Ewing
Fawell
Fingerhut
Fish
Fowler
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kennedy
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Long
Machtley
Maloney
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McMillan
Meehan
Meyers
Mfume
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Neal (MA)
Nussle
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Sharp
Shaw
Shays
Sisisky
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wynn
Young (AK)
Young (FL)
Zimmer

NOES—222

Abercrombie
Ackerman
Andrews (ME)
Applegate
Barca
Barcia
Barlow
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Durbin
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Hutchinson
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lowey
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKeon
McKinney
McNulty
Meek
Menendez
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Shuster
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Zeliff

NOT VOTING—9

Edwards (CA)
Faleomavaega (AS)
Green
Hancock
Klink
Romero-Barcelo (PR)
Smith (MI)
Tauzin
Velazquez

□ 1544

Mr. RUSH and Mr. HALL of Texas changed their vote from "aye" to "no."

Ms. MALONEY and Messrs. BEREUTER, LEWIS of California and MINGE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

Mr. CARR. Mr. Chairman, I ask unanimous consent that the portion of the bill from page 44, line 33 through page 50, line 8 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 44, line 3 through page 50, line 8 is as follows:

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $51,742,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of nonadministrative and capital programs the obligations for which are in excess of $540,000,000 in fiscal year 1994: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed thirty-five passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,000 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $9,707,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $225,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1994 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1993, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 15 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1994, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102-240; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 104, 1047, 1064, 6001, 6006, 6023, and 6024 of Public law 102-240, and not more than $1,107,124 for section 5002 of Public Law 102-240.

The CHAIRMAN. Are there points of order to the text included in the unanimous consent request?

Mr. MINETA. Mr. Chairman, I take it that since the unanimous consent request goes to line 8 of page 50, subsection (d) is not included?

The CHAIRMAN. The Chair would advise the gentleman that that is correct. the unanimous-consent request goes through line 8 on page 50.

Are there any amendments to that part of the bill included in the unanimous-consent request?

If not, the Clerk will read.

The Clerk read as follows:

(d) The limitation on obligations for Federal-aid highways for fiscal year 1994 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, and sections 1061, 1103 through 1109, 4008, 6023(b)(8) and 6023(b)(10) of Public Law 102-240; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17: *Provided*, That during the period October 1 through December 31, 1993, the aggregate amount of obligations under section 157 of title 23, United States Code for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1109, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed $302,551,350.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against subsection (d) of the provision.

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

Mr. MINETA. Mr. Chairman, I raise a point of order against section 310(d). This provision violates clause 2 of rule XXI because it would legislate the establishment of a first quarter limitation for the minimum allocation program and highway demonstration projects. In other words, of the funds made available in the fiscal year for these programs, those which can be obligated in the first quarter would be limited.

No such limitation on these programs exists in law. Thus section 310(d) constitutes legislation in an appropriations bill and is subject to a point of order.

The CHAIRMAN. Do other Members desire to be heard on the point of order?

Mr. CARR of Michigan. Mr. Chairman, I desire to be heard on the point of order.

I rise to vigorously oppose this point of order. It is not a limitation on the annual obligation of the funds in the bill. It merely is a limitation on an allocation of one of four quarters of the money in the legislation.

□ 1550

It limits the cash flow, in other words, for the first quarter of the next fiscal year. Now, while I have a large number of my colleagues on the floor, I hope they listen to this because you have been hearing a lot about clause 2, rule XXI. The gentleman from California has been defending the purity of clause 2, rule XXI. This is a good example of why we ought to change clause 2, rule XXI, if we cannot have the parliamentarian interpret this to give us some more flexibility.

Let me get to the core of this issue: This section of our bill was requested by the administration. Let me say that

again: This section of the bill was requested by the administration.

This is not some invention of the Committee on Appropriations, in some mean game of jurisdictional gotcha over the Committee on Public Works and Transportation. This is legislation that is requested by the administration.

Why would they request this? It simply is an accounting matter. It turns out that the experience of obligation under these accounts during the first quarter of the year are well below the 15 percent limitation that the administration suggests in this legislation. In fact, the fiscal year 1989 first quarter obligation for programs and projects in question was only 10.8 percent; in 1990 the figure was only 13.6 percent; in 1991 it was 17.3 percent, but in fact there were extenuating circumstances, such as the last enactment of the appropriations account that artificially inflated the amount. The figure in 1992 was 15.6 percent, and the amount in 1993 was a low 8.3 percent.

On average, first quarter obligations for the past 5 years is 13.1 percent. So the administration is making a wise proposal to us. They are saying, "If you will put a limitation on that is 15 percent, we are going to save some money." This is not just an accounting gimmick to save outlays; but it actually saves money.

In fact, the administration tells us that if we are allowed to prevail on this, Mr. Chairman, we will save $23 million in outlays. Why should we not try to save the taxpayers some money? We will save $23 million in outlays.

Now, if the Chair happens to rule in favor of the gentleman from California [Mr. MINETA], in effect what that means is that when we go to conference with the Senate we are going to have to make up that $23 million worth of outlays. Where will we make it up? Well, maybe in transit operating, maybe a cut in the Coast Guard, maybe a cut in air traffic control.

This is a real problem for our committee. We have to meet outlay targets. That is something our good friends on the authorizing committee do not have to do. We have a serious problem.

I would ask the chairman from the State of California if we would not refrain from making this point of order. It is technical, it is accounting, it was not invented by the Committee on Appropriations; it is supported by the administration. They are the authors of this to try to save the taxpayers some money. Let us not insist on silly juridicational rules or points of order that go far beyond just commonsense judgment.

And if we cannot do that, then maybe we ought to meet in a reorganization and really revise rule XXI, clause 2, because we clearly see instances of where it is getting in the way of good sound management. Reinventing Congress might include a measure of change in this particular rule if we cannot get some parliamentary relief.

I ask the Chair to rule.

The CHAIRMAN. Does the gentleman from California [Mr. MINETA] insist on the point of order?

Mr. MINETA. Mr. Chairman, I do.

Let me just say again that it is not a question of being a stickler; it is a very simple issue of whether or not this is legislation on an appropriations bill. Members of the Committee on Appropriations have not had any conversation with anybody on the authorizing committee on this issue, and neither has anybody from the administration, from the Federal Highway Administration, from the Department of Transportation, no one, no one has been in touch with the authorizing committee on this issue.

This is a very clear issue in the ISTEA legislation of 1991. I think this is a perfect example of why rule XXI should be enforced and ask for a ruling of the Chair on this issue.

Mr. CARR of Michigan. Further, Mr. Chairman, if I may be heard further, let me say to Chairman MINETA that I just hope that on this one we do not let pride of authorship get in the way of saving the taxpayers some money.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

The language contained in subsection (d) on page 50 either removes or imposes an aggregate statutory limitation on obligational authority and is not a limitation on the availability of funds within the bill. Therefore, the language is legislation on an appropriations bill, and the point of order is sustained.

The Clerk will read.

Mr. CARR of Michigan. Mr. Chairman, I ask unanimous consent that the portion of title III, down to page 53, line 12, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Does the gentleman's unanimous-consent request include section 315 down through line 12 on page 53?

Mr. CARR of Michigan. That is correct, Mr. Chairman.

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

There was no objection.

The text of the portion included in the unanimous-consent request is as follows:

(e) Subject to paragraph (c)(2) of this section, a State which after August 1 and on or before September 30 of fiscal year 1994 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this section may obligate for Federal-aid highways on or before September 30, 1994, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1994, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1994 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1994, has the amount distributed to such State under paragraph (a) for fiscal year 1994 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. Not to exceed $800,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 21 of the Federal Transit Act, previously made available for obligation, or to any other authority previously made available for obligation under the Discretionary Grants program.

SEC. 314. None of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

The CHAIRMAN. Are there points of order to the material included within the unanimous-consent request?

Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 316. None of the funds made available in this Act may be obligated or expended for any transit project that has a cost-effectiveness index higher than $20 per new trip.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against the provision of section 316.

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

Mr. MINETA. Mr. Chairman, I raise a point of order against section 316. This provision violates clause 2 of rule XXI because it has the effect of changing existing law. It is legislation on an appropriations bill.

Section 316 states that, "None of the funds made available in this act may

be obligated or expended for any transit project that has a cost-effectiveness index higher than $20 per new trip."

In order to comply with this provision, the Secretary of Transportation would have to analyze each transit project to determine whether it has a cost-effectiveness index of $20 or more per new trip. Since the provision applies, and I quote, "to any transit project," the Secretary would be required to analyze all transit projects. This includes transit projects under section 3, under section 9 of the Federal Transit Act, as well as section 3 of the act. It would apply to the purchase of buses and the construction of bus and rail facilities. It would apply to reconstruction and rehabilitation projects as well as new construction.

This is a significant departure from existing law. Under current law, section 3(i)(1)(b) of the Federal Transit Act, the Secretary is only required to make a determination of cost effectiveness for a new fixed guideway system or extension of those systems funded under section 3 of the Federal Transit Act. The Secretary is not required to make a cost-effectiveness determination for new fixed guideway systems funded under section 9 of the act, nor is the Secretary required to make cost-effectiveness determinations for any other transit projects.

□ 1600

The Secretary does not have to make a cost-effectiveness determination for the purchase of new buses, or for the construction of bus facilities or for reconstruction or rehabilitation projects.

In fact, the Secretary does not have to do this type of analysis for the vast majority of transit projects.

Under current law, only new fixed guideway systems or extensions of those systems funded under section 3 of the Federal Transit Act must be analyzed for cost effectiveness. This is a relatively small number of projects. By requiring this type of analysis for all transit projects, section 316 will impose significant new burdens on the Secretary of Transportation. He or she will be required to collect and analyze significant amounts of information on transit projects for which this type of analysis is not currently required. This represents the bulk of the transit program.

By greatly expanding the universe of projects for which a cost-effectiveness analysis must be done, section 316 imposes significant new duties on the Secretary. As such, section 316 is not a valid limitation. It is legislation on an appropriations bill and in violation of rule XXI.

Therefore, Mr. Chairman, it is my understanding that the Appropriations Committee will try to argue that section 316 is a valid limitation. They would argue that section 316 applies only to those projects for which a cost-effectiveness determination is currently required. That is new fixed guideway systems.

Apparently their whole argument hinges on the word "has."

Since section 316 refers to "any transit project that has a cost-effectiveness index of $20 or more per new trip," the appropriators argue that the word "has" somehow limits the applicability of section 316 to new fixed guideway projects. To me this is not the correct approach.

If the Appropriations Committee had meant to limit the provisions to new fixed guideway systems, then it should have done so explicitly.

The term "new fixed guideway system" should have been used in lieu of the term "any transit project."

By using the term "any transit project" the Appropriations Committee has made section 316 applicable to all transit projects, not just new fixed guideway projects.

Let me give an example of just how to me absurd the Appropriations Committee interpretation is. If the provision had stated that no funds could be obligated on "any transit project that has a cost-benefit ratio greater than 1.0," then it seems clear that the Secretary would be required to do a cost-benefit analysis on each transit project to determine which projects have a ratio greater than 1.0. Those projects would not be eligible for funding.

Well, the provisions before us is precisely the same. It requires the Secretary to analyze each transit project to determine its cost effectiveness. Only in this way can the Secretary determine these projects which exceed $20 per new trip. This is the only reasonable reading of the provision.

Mr. Chairman, I would like at this point to raise two principles of parliamentary procedure that I believe are applicable here. First, the burden of proof is on the Appropriations Committee to prove that the provision is a valid limitation. The burden of proof is on the appropriators to prove that section 316 is limited to new fixed guideway systems.

Second, if section 316 is subject to two interpretations, and it is not clear which interpretation is the better reading, then the Chair is obliged to rule against the Appropriations Committee and in favor of the authorizing committee.

As I mentioned before, I do not think that the Appropriations Committee's interpretation of section 316 is reasonable; however, if for some reason the Chair decides that it is as reasonable an interpretation as the interpretation being offered by our committee, then the Committee on Public Works and Transportation position should prevail.

In effect, in these types of situations, it seems to me the tide goes to the authorizing committee.

Mr. Chairman, for all these reasons I insist on my point of order that section 316 violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Michigan seek recognition?

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

The CHAIRMAN. The gentleman from Michigan is recognized on the point of order.

Mr. CARR of Michigan. Mr. Chairman, the gentleman makes his point of order on the basis that the language in section 316 applies to portions of the transit program other than the section 3 fixed guideway new start activity, and as such, requires additional duties of the executive and therefore constitutes legislation on an appropriations bill.

I strongly disagree with the gentleman's labored interpretation for the following reasons:

In the first place, the language in question states that funds may not be obligated, and I quote, "for any transit project that has a cost-effectiveness index higher than $20 per new trip," end of quotation. I believe the words "that has" are the operative words in the section.

I believe an unbiased reading of section 316 would lead one to the conclusion that if a project has a cost-effectiveness index prepared pursuant to existing laws, existing rules and existing regulations, then and only then the limitation applies. If a project does not have such an index, the section 316 simply does not apply. There is nothing in the language that requires indices to be prepared for other projects or other matters.

I would add, Mr. Chairman, that there are numerous references in statute and regulation to support my view. Quoting first from the Urban Mass Transportation Major Capital Investment Policy as printed in the Federal Register of May 18, 1984:

> The policy is applicable in particular to proposals for discretionary grants authorized by section 3 of the federal transit Act, as amended . . . ." and, continuing the quotation:
>
> For purposes of this statement, a 'major urban mass transportation investment' is any project that involves the construction of a new fixed guideway segment, or extension of an existing fixed guideway, for use by buses or rail vehicles.

Under the portions of the policy entitled "Rating Criteria" and "Cost-Effectiveness," the following comments appear:

> Because the two primary criteria, cost-effectiveness and local financial commitment, are quantifiable, it is possible to formulate numerical indices of project merit based on them, as a primary guide to ratings.
>
> Cost-effectiveness is represented by the incremental costs and effectiveness of fixed guideway alternatives compared to the transportation system management alternative.

Mr. Chairman, turning now to Public Law 102-240, the last surface transportation act, managed by the Public Works committee. I quote from section 3010, entitled "Criteria for new starts"

which amended Section 3 of the Federal Transit Act.

A grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may not be made under this section unless the Secretary determines that the proposed project—. . . . is justified based on a comprehensive review of its mobility improvements, environmental benefits, cost-effectiveness, and operating efficiencies; . . . .

No other sections of the Federal Transit Act so require cost-effectiveness indices to be prepared as a condition for grant receipt.

□ 1610

Finally, Mr. Chairman, I draw your attention to the report on funding levels and allocations of funds prepared by the Federal Transit Administration, the so-called Section 3(j) Report. As stated in the executive summary:

This report provides the Department of Transportation's recommendations to Congress for allocation of funds to be made available for construction of new fixed guideway systems and extensions (Section 3 New Start funding) for fiscal year 1994.

Two tables in the report contain columns with cost-effectiveness entries. In addition, nearly each project narrative summary contains a paragraph describing the cost-effectiveness index. An explanation of one of the tables just mentioned contains the following statement:

These columns correspond to the wider range of project justification factors (including cost-effectiveness) stipulated in ISTEA.

Mr. Chairman, I apologize for the length of my statement on this point of order. But I believe it is important to show the weight of evidence relating cost-effectiveness indices to section 3 new start fixed guideway projects and only to such projects. And to show that the indices are prepared for the appropriate projects pursuant to requirements in the authorizing legislation and are reported to the Congress annually in the section 3 (j) report. No additional duties are involved.

I know that the gentleman from California [Mr. MINETA] would like to write our bill. I know that the gentleman from California would like to write our sections. I know that the gentleman from California would love to interpret his intent for what we wrote. The fact of the matter is, Mr. Chairman, we intended to have this section apply only to section 3, new start fixed guideway projects which are already in existence, and I would say with regard to the notion of tiebreaking is close calls, Mr. Chairman, it would seem to me that in fairness the parliamentary situation ought to give the benefit of the doubt to the committee that has drafted the legislation. To do otherwise invites labored interpretations of our work in an effort to try to use inappropriately clause 2 of rule XXI.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

The gentleman from California [Mr. MINETA] makes the point of order that section 316 of the bill changes existing law in violation of clause 2 of rule XXI by requiring determinations of a cost-effectiveness index for any transit project, including those projects not currently required by the Federal Transit Act to produce such an index. The gentleman argues, therefore, that the provision is legislation on an appropriations bill. The gentleman from Michigan [Mr. CARR] argues that the section is not intended to apply to any project that does not already have such an index and, therefore, that no new duties are required.

The Chair believes all transit projects inherently possess some cost-per-new-trip figure that could be calculated. However, under existing law a review of cost effectiveness is required to be performed only for the class of transit projects authorized by section 3 of the Transit Act. Section 316 applies only to a project that requires a cost effectiveness analysis. The text of the provision need not be read to require the imposition of new cost effectiveness tests. Rather, section 316 takes the cost effectiveness requirements of existing law as it finds them. Therefore, the provision does not change existing law contrary to clause 2 of rule XXI, and the Chair overrules the point of order.

AMENDMENT OFFERED BY MR. MINETA

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

The Clerk read as follows:

Amendment offered by Mr. MINETA: Page 53, strike section 316, lines 13 through 16, and renumber all the sections that follow accordingly.

Mr. MINETA. Mr. Chairman, I rise to offer this amendment to strike section 316 of the bill. This section contains language which severely limits the authority of the Secretary of Transportation to fund transit projects and which virtually rewrites entire provisions of the Federal Transit Act which are within the jurisdiction of the authorizing committee. The act contains a wide range of factors which the Secretary must consider in funding transit projects under this section 3 grant program. Now these factors include congestion relief, improved mobility, clean air goals, and energy conservation goals. No one factor predominates because each transit project is unique and may do better or worse than other projects under the various criteria. Yet section 316 would superimpose what I feel is one narrowly defined index over all of the other factors.

Now this provision would also heavily discriminate against the parts of the country which have less than the very highest population and employment densities. These regions often provide more local funds than would otherwise be required under the law in order to increase the cost effectiveness of their use of Federal funds. Yet section 316 would prohibit the Secretary from recognizing those higher local contributions and funding of these projects if they did not fare well under one narrowly defined index. In this way, in many instances, section 316 would actually serve as a disincentive to State and local governments to provide higher non-Federal matching funds. The result would be less transit benefits for the Federal dollars being expended.

Section 316 might even result in States losing Federal highway funds under the sanctions of the Clean Air Act. Transit projects are almost always included in the list of projects needed to bring a State into compliance with clean air goals, yet under its narrowly defined index section 316 in some instances would prohibit their funding. If the State were subsequently sanctioned by the EPA for not attaining its clean air goals, section 316 would have cost that State both its highway as well as transit projects.

Finally, section 316 was not the subject of any hearings on the part of the Appropriations subcommittee. This section was inserted in the second version of the transportation bill and reported out of committee with no discussion and no debate as far as I know. We should not allow such a fundamental shift in Federal policy to be made without the benefit of fair and open consideration.

Mr. Chairman, the flexibility of equity contained in the Federal Transit Act benefits all States and allows all projects to compete equally. We should not let the passage of section 316 undermine and establish funding process which has worked well for decades, and so, therefore, I urge my colleagues to support my amendment to defeat section 316.

Mr. CARR of Michigan. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. MINETA].

Mr. Chairman, the language we have here, as the Chair ruled, is not subject to a point of order. It is a legitimate limitation completely within the jurisdiction of the Subcommittee on Transportation of the Committee on Appropriations.

Now, as I said, I know that the gentleman from California [Mr. MINETA] wants to help us write our bill, and I know that he wants to be both an authorization committee and an Appropriations Committee.

□ 1620

But I can tell my friends in the Congress that he was not in our hearing rooms. He was not in our discussions. He was not in our deliberations. So how can he stand here and tell you that section 316 was not addressed during our process?

I was. I sat in the chair virtually every day of hearings for nearly 4

months. I listened to hundreds of witnesses. I had hundreds of conversations with my colleagues. And when it comes to transit, I will tell you, we discuss, we deliberate, we hold hearings on the section 3(j) report and the cost effectiveness of projects.

We started this year not by holding budget hearings, but by getting expert economics witnesses from the administration and transportation. Our very first hearing was with economists. We had meetings with Wall Street investment bankers and other experts early in the year, because the administration was late with their budget submission. We held extensive hearings on cost-benefit analysis. We had Federal Transit Administration officials in our committee room not once, not twice, but about five times, to discuss cost effectiveness. How can you invest the taxpayers' money better? How can we do a better job with their hard earned dollars that they entrust to us to use to return positive economic investment for them?

This bill went through excruciating analysis by all the members of our subcommittee. Cost-benefit analysis, cost per new additional rider, was very much in the forefront of our minds as we crafted our legislation.

While it is true that we in fact reported two bills, we would continue, if we were to report another bill tomorrow, to seek to improve it. We believe that we have the right to improve one bill over another. We believe this was an improvement over the first bill, and it was very much part of the hearings. It was very much part of deliberations. It was very much part of discussions. And it was put in here very deliberately, to save the taxpayers' money, to help the Federal Transit Administration prioritize projects.

Mr. Chairman, I urge a no vote on this amendment. Because if you do not do this, then any project that comes along, no matter what is the cost per new additional rider, we are going to be stuck. Our committee is trying to help the administration in its effort to reinvent government. We are also trying to reinvent the Congress here. We are trying to do a better job. We are trying to get better outcomes for all of America, not just those areas that have been receiving funding for years. There are systems in the country with cost effective core projects which decided that an extension would be good, and another extension would be better, and yet another extension would be even better. Well, pretty soon you get out to the end of the line.

I tell my friends from the WMATA area here, the core system of the red line that runs down through Washington, DC has a very high cost effectiveness rating, a high approval rating. But by the time you get way, way out to the fingertips of this system, sometimes the cost effectiveness starts to drop off. And while it is true that in some of these areas, various constituencies and jurisdictions, local jurisdictions have made deals with one another about how if you support my section, then I will support yours, and you scratch my back and I will scratch yours, well, that is what the American people are tired of. They want some cost effectiveness put on these things. That is why we put this in the bill, and I urge the defeat of this amendment.

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

Mr. Chairman, I rise in support of the amendment of the gentleman from California [Mr. MINETA].

Mr. Chairman, the language in the legislation, in the appropriation before us today in section 315, is simply another transparent attempt to kill the Tasman project in the San Francisco Bay area. This vote is simply a repeat, in effect, of the vote that already occurred.

It is important to note that this section 315 was not in the original appropriation bill that was passed by the transportation subcommittee or the transportation full committee. It was only put into the bill after the gentleman from California [Mr. MINETA] objected to the language in the appropriation bill, which violated the rules of the House. So it is simply retaliatory language to kill the project in the San Francisco area.

I would also point out, and this really is the debate all over again, that Members should vote, I would think, the same way they voted on the previous vote, on the substance of the issue. I would point out there is no savings whatsoever by keeping this language in here, because the money will be spent. It simply will be spent by the Clinton administration, rather than for the projects.

So this is nothing more than a repeat of the previous vote. I would urge that we support Chairman MINETA's amendment.

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

Mr. SHUSTER. I yield to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, the gentleman is absolutely correct. It is what we had previously voted on, known as the Walker amendment. But this time it seems to me that using just this, to say that this is going to be the sole determining factor, then it seems to me we are going to be affecting Kansas City, we are going to be affecting Portland, we are going to be affecting the New Jersey project, as well as possibly the Boston project, if the cost effectiveness index is the only factor.

Mr. Chairman, I think what is really important is the fact that there are factors that have to be considered in terms of making these determinations. I would hope that Members recognize that there are other issues that have to be taken into consideration when the Secretary of Transportation is making a decision on transit projects, and not just the sole cost-effectiveness index. But there are environmental issues, the Clean Air Act, and other factors that ought to be considered.

Mr. SHUSTER. Mr. Chairman, reclaiming my time, if Members voted against the Walker amendment, they should vote in favor of the Mineta amendment at this point in time. I would urge my colleagues to do so.

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

Mr. Chairman, I do so to reinforce a very important point in the debate over this provision of the bill, and that is that the language in the appropriations bill would substitute one narrow factor, an important factor, an economic consideration, but one which is one of several factors that the Committee on Public Works and Transportation wrote in, together with our counterpart in the other body, and reaffirmed in conference, over a long period of debate, after extensive hearings in the Subcommittee on Surface Transportation on this matter of public transit and its relationship to a whole range of other values and issues that affect the whole of society, including relieving congestion in urban areas and reducing traveltime, reducing the cost to people stuck in traffic because there are not enough options to move people in congested areas. And transit is a way to do that.

The effect of traffic upon the Clean Air Act, which dominates the whole transportation sector of our society, and providing that as a factor in determining transit grants, should be the effect of such systems in relieving, reducing, the contribution to the particulates and the oxides, sulfur, and nitrous oxides, that foul our air.

Transit is a way to achieve reduction in those factors and to meet the Clean Air Act goals. Also energy conservation. We all know what we went through in the early seventies in the energy crisis of that era. The pressure has been to reduce consumption of energy in our transportation network, which is the principal consumer of energy.

□ 1630

We wrote all those factors into a formula that the Department is to consider in making grants. And now the Committee on Appropriations comes along and says, "No, that doesn't count, we give you one factor to determine," trying to substitute one judgment for another that this House, that

the other body, that together as a Congress we agreed were important factors to be considered.

This committee, the Committee on Appropriations, in this section of the bill would wipe all of that out and substitute one judgment for a whole range of other considerations that we feel are important, that the Congress considered to be important, that an administration considered to be important.

Finally, I must take exception with an obiter dictum by my good friend, the gentleman from Michigan, commenting that the chairman of the Committee on Public Works and Transportation would like to write the bill, write the Committee on Appropriations bill. I do not think that that has ever been the consideration.

The purpose of the gentleman's objections and points of order has been to keep the Committee on Appropriations bill in line with what its role is and not to intervene in rewriting legislation that our committee has written and which is public law.

I urge support of the Mineta amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MINETA].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 317. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 318. Such sums as may be necessary for fiscal year 1994 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 319. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 320. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

SEC. 321. None of the funds made available in this Act may be used by the Federal Aviation Administration for a new national weather graphics system.

SEC. 322. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 323. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 324. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, and Tri-City Airport in Bristol, Tennessee.

SEC. 325. Of the funds provided for "Research, development, test, and evaluation" in this Act, the Coast Guard shall utilize $1,000,000 to enter into a grant agreement with the International Oceanographic Foundation, Inc. for research activities at the South Florida oil spill research center.

Mr. CARR of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the portion of title III, down to page 56, line 8, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Does the gentleman's request include everything through line 8 on page 56?

Mr. CARR of Michigan. Mr. Chairman, that is correct.

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

There was no objection.

The CHAIRMAN. Are there points of order to the material contained within the unanimous-consent request?

If not, are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 326. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1996, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

POINT OF ORDER

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

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

Mr. MINETA. Mr. Chairman, I raise a point of order against section 326. This provision violates clause 2 of rule XXI, because it would limit the availability of Section 3, Bus and New Start Transit Funds, to 3 fiscal years rather than "Until expended," as ISTEA provides. Thus, the provision constitutes legislation in an appropriations bill and is subject to a point of order.

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 wish to be heard on the point of order.

Again, Mr. Chairman, this is not a House or a Committee on Appropriations initiative. It originated last year in the Senate. But because it is good government, the administration included a similar provision in its budget request this year.

We also believe that it is good government. Basically, the language allows the Federal Transit Administration a little flexibility in the management of the discretionary grants programs. It allows the Federal Transit Administration to move funds from earmarked projects that have not obligated their funds for 3 years.

It served as a lever to encourage projects to move to obligation and not let funds sit idly on the books.

The administration wanted to be able to move the funds after 2 years, but we felt that that did not allow quite enough time.

So we, on our own, changed the time frame from 2 to 3.

Again, Mr. Chairman, this is not an invention of the Committee on Appropriations desiring to grab the jurisdiction of the authorizing committee. This is good government. It is a good government proposal that I wish the chairman of the Committee on Public Works and Transportation would consider.

I would ask the gentleman to withdraw his point of order and not rest on whether someone gave him a phone call from downtown as to whether we ought to do good government. It is either good government or it is not good government. It does not make it better government if the gentleman from California [Mr. MINETA] got a phone call.

I do not know what the communications with the Department were with the gentleman from California [Mr. MINETA]. Perhaps it was an oversight if they did not call him, as he cited last time, when we had another good government technical amendment.

I hope the gentleman would put aside those kinds of feelings and withdraw his point of order and save the taxpayers some money for once, not let rule XXI, clause 2 get in the way.

But, if the gentleman does not withdraw his point of order, I reluctantly concede the point of order.

The CHAIRMAN. Does the gentleman from California [Mr. MINETA] insist on the point of order?

Mr. MINETA. Mr. Chairman, I do.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

Because the provision begins with the phrase "Notwithstanding any other

provision of law," it is legislation on an appropriations bill. For the reason stated by the gentleman from California, the point of order is sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 327. Notwithstanding any other provision of law, before apportionment of funds made available by this Act under "Federal Transit Administration, Formula Grants", $21,176,000 shall be made available for metropolitan planning activities under section 8(n) of the Federal Transit Act, as amended.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I rise to a point of order against the provision, section 327.

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

Mr. MINETA. Mr. Chairman, I raise a point of order against section 327. This provision violates clause 2 of rule XXI, because it would alter a basic funding scheme in ISTEA by providing an additional $21 million on top of the $34 million which would otherwise be applied to metropolitan planning activities under ISTEA takedown provisions.

ISTEA set the statutory relationship between funding for planning and funding for actual transit projects. H.R. 2750 would reduce transit project funds and then increase planning money; thus, altering the basic funding scheme established by ISTEA.

As such, section 327 constitutes legislation in an appropriations bill and is subject to a point of order.

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 wish to be heard on the point of order.

Once again, this provision did not originate with the Committee on Appropriations. It was proposed by the administration in its 1994 budget as a cost-saving measure.

It is envisioned as a one-time provision. And basically, because it is a one-time provision, we would not go to the authorizing committee to make it happen, because it could not happen that way, that quickly.

Basically, it tries to implement certain provisions of the Intermodal Surface Transportation Efficiency Act. ISTEA placed considerable new emphasis on the role of the metropolitan planning organizations.

The administration supports this increased role of the MPO's, at least partly because the FTA's capital construction program has grown over the years.

Additional planning at the local level is needed to support the larger capital program. Since other resources were not available to support the MPO's, the administration included this language in the budget to increase support for MPO's nearly to the level envisioned by ISTEA.

Absent this provision, funding in the bill for MPO's will be $34.3 million. If unconstrained, ISTEA would call for a level of $57.7 million.

Section 327 would increase the MPO level to $55.4 million or nearly the amount directed by the authorization bill.

□ 1640

This is a good example of good government, good management. Please do not let clause 2 of rule XXI stand in the way of a good outcome for the hard-working taxpayers of this country.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule. Because the provision begins with the phrase "notwithstanding any other provision of the law," it is also legislation on an appropriation bill, and for that reason and the other reasons stated by the gentleman from California [Mr. MINETA], the point of order is sustained.

The Clerk will read.

The Clerk read as follow:

SEC. 328. The Commercial Motor Vehicle Safety Regulatory Review Panel established pursuant to section 209 of Public Law 98-554 is hereby terminated.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order on section 328.

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

Mr. MINETA. Mr. Chairman, I raise a point of order against section 328. This section violates the rule because it terminates the Commercial Regulatory Review Panel. The panel was authorized through the Motor Carrier Safety Act of 1984 to review the uniformity of State and Federal safety laws that relate only to interstate carriers. This safety panel exists and is pursuing its mandate.

H.R. 2750 does not limit or zero out funding for the review panel. Rather, section 328 would terminate it. As such, this constitutes legislation in an appropriation bill, and is subject to a point of order.

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

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

The CHAIRMAN. (Mr. BOUCHER). The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 329. None of the funds made available in this Act may be used to prohibit the obligation of up to $9,000,000 apportioned under title 23, United States Code, section 104(b)(3) for the State of North Carolina for capital improvements for their rail impact project in the Interstate 40/85 corridor from Raleigh to Charlotte during reconstruction of Interstate 40/85.

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order against section 329.

The CHAIRMAN. The gentleman will state it.

Mr. MINETA. Mr. Chairman, this section violates clause 2 of rule XXI because it would have the effect of allowing a State to obligate $9 million of its surface transportation program money for a project that is not eligible under that program. Although the provision is written as a limitation, it is in fact an extension or expansion of projects eligible under ISTEA.

By preventing DOT from prohibiting the project, the effect is to authorize construction of a project not authorized under current law.

Thus, section 329 is not a valid limitation, but rather constitutes legislation in an appropriation bill, and is subject to a point of order.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. PRICE] on the point of order.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to discuss briefly the provision which the chairman of the Committee on Public Works and Transportation proposes to strike on a point of order. This provision would provide my State of North Carolina with the flexibility that it needs to spend part of its regular Federal highway allocation on a rail improvement project. The provision adds no new money. It simply would give the State the flexibility that it needs to spend the money as it sees fit.

I have reviewed this project carefully. I believe it is consistent with the spirit and the letter of the Intermodal Surface Transportation Efficiency Act. We have worded this provision as a prohibition. However, I realize under the technical rules of the House, it is subject to this point of order, and I do not intend to contest that.

I would, however, argue for the merits of that. If we cannot have the point of order withdrawn today, I would hope it would receive serious attention in the future.

The CHAIRMAN (Mr. BOUCHER). Does any other Member seek recognition on the point of order?

The Chair is prepared to rule. For the reasons stated by the gentleman from California [Mr. MINETA], the provision does not qualify as a straight limitation, and for that reason, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 330. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102-240.

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

Mr. Chairman, I rise to discuss my concerns with section 330 of H.R. 2750.

Mr. Chairman, this section prevents the Department of Transportation from using funds to implement, administer, or enforce section 1038(d) of the Intermodal Surface Transportation Efficiency Act.

I will briefly state my conclusion. If the subcommittee desired the Committee on Public Works and Transportation to revisit section 1038 of ISTEA,

then it has already accomplished this objective, but I believe section 330 of this bill represents an inferior way to legislate over this type of issue.

If we do agree section 1038 needs some type of adjustment, I would hope we would do it in a way that will help the States, and not confuse them.

Mr. Chairman, section 330 of H.R. 2750 prevents the Department of Transportation from using funds to implement, administer, or enforce section 1038(d) of the Intermodal Surface Transportation Efficiency Act (Public Law 102–240), known as ISTEA. Section 1038(d) of ISTEA requires State departments of transportation, beginning in 1994, to use minimum amounts of recycled materials in asphalt pavements, and increasing amounts of crumb rubber from scrap tires in subsequent years.

Asphalt rubber, the most widely used technology within the larger product category crumb rubber modifiers, originated in Arizona. In 1965, a Phoenix city engineer named Charlie MacDonald developed the technique, and our State has found that asphalt rubber, properly applied, makes longer lasting roads in nearly every climatic and road condition throughout our State. Many Members may not realize the variety of climates and topography in Arizona, ranging from low desert to high alpine, and asphalt rubber has proved its worth across that broad variety. Other Western States and Europe also have used asphalt rubber widely. Asphalt rubber and other crumb rubber modifier technologies also provide a way to recycle rubber from tens of millions of scrap tires discarded annually.

In section 1038, Congress supported the expanded use of these technologies. I agree that Congress should not impose mandates in an indiscriminate and arbitrary manner. Most Members of Congress would agree with me in preferring that we provided States with incentives rather than a requirement to use these technologies. However, in this case, section 1038 requires use of a low minimum threshold of these products because the existing contracting system has failed to accept these technologies and has slowed the development of a national market for these products.

In June of this year, subsequent to the hearing referred to in the Appropriation Committee's report to H.R. 2750, the Federal Highway Administration and the U.S. Environmental Protection Agency issued a joint report to Congress stating that no evidence exists that crumb rubber modified pavements have harmful emissions and cannot be recycled. This report, while indeed recommending additional research, shows no scientific reason to stop using crumb rubber modifiers.

I understand that change is never easy. Section 1038 requires State departments of transportation and the pavement industry to change how they do business and use more environmentally friendly technologies. Over 100 national environmental organizations have registered support for section 1038, and for good reason.

More specifically, I have concerns that section 330 of H.R. 2750 will confuse State departments of transportation. Section 330 does not eliminate the States' obligations to meet the section 1038 requirements. Of course, if it did, section 330 would violate House Rule 21 disallowing authorizing language in an appropriations bill. Section 330 only prevents the Secretary of Transportation from using funds to administer ISTEA's section 1038(d), but under section 1038(a) the Federal Highway Administration may not disapprove funding for any crumb rubber modifier project. Again, section 330 could not modify section 1038(a) of ISTEA without violating House Rule 21. Finally, the Federal Highway Administration issued implementation guidelines which allow States to use reclaimed asphalt pavement, which they already use in large quantities, to meet the section 1038 requirements in 1994. Section 330 will remove the incentive to States to use recycled materials.

If we need to modify section 1038 of ISTEA, let us do so in a careful manner before the House Public Works and Transportation Committee, and not as a small part of the annual work of the Appropriations Subcommittee on Transportation. In fact, the Public Works and Transportation Committee is considering recommendations to adjust section 1038 to provide States with greater flexibility.

If the subcommittee wished to prompt the Public Works and Transportation Committee to revisit section 1038, then it already has accomplished this objective. However, I suggest that section 330 of this bill represents an inferior way to legislate this type of issue. If we agree that section 1038 needs adjustment, then let us do it properly to help the States, not to confuse them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 331. None of the funds made available in this Act may be used to implement, administer, or enforce the labeling and marking requirements relating to bulk packagings containing oil established by the rule published by the Research and Special Programs Administration of the Department of Transportation on February 2, 1993 (58 Fed. Reg. 6864).

SEC. 332. Funds appropriated in Public Laws 101–526, 102–143, and 102–388 for a structure to replace the bridge over the 17th Street Causeway in Fort Lauderdale, Florida, may be used either for a replacement bridge or a tunnel.

SEC. 333. None of the funds provided by this Act shall be made available to any State, municipality or subdivision thereof that diverts revenue generated by a public airport in violation of the provisions of the Airport and Airway Improvement Act of 1982, as amended.

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I reserve a point of order against section 333.

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

Mr. OBERSTAR. Mr. Chairman, this section purports to provide that none of the funds provided by the act can be made available to any local government agency, they mean an airport or a city government, which spends revenues generated by the airport under control of that city or local government body, for purposes other than the capital and operating expense of the airport, in violation of the AIP assurances that the airport had to give that revenues generated on the airport would stay on the airport.

This provision would apply to all funding under the act, not only AIP funding, but also transit funding and highway funding, so that a local government agency applying for a transit grant that also operates an airport, and may have diverted revenues from the airport, would be ineligible for transit grants. If they are responsible for highway development, they would be ineligible for highway funding.

The language gives to the Secretary a broader authority than now exists. The Secretary certainly has authority to enforce provisions of the FAA Program with whatever penalties may be available under that program, to enforce compliance with the FAA Act. Nowhere in the FAA Act is there an authority for the Administrator of FAA or the Secretary of the Department of Transportation to go outside of the FAA and deny to a local governing body other transportation funds because it did not comply with some provision under the FAA Act.

This language creates new authority, new duties for the Secretary, by requiring the Secretary to use authority other than the FAA Act to comply, to enforce compliance, with the act.

However, given some of the very narrow rulings that the Chair has issued and that we have discussed within the body here, I am afraid that I might not prevail on this argument. However, I make the argument, and I reserve the point of order, to show that the committee is reaching far beyond authority in the FAA Program to achieve a purpose that may be well and good and valid.

I also want to point out that our Subcommittee on Aviation has reported a bill that deals with revenue diversion, both for those airports which were grandfathered in, for whom the diversion was legal, and those not grandfathered, for whom revenue diversion is illegal.

We have quite an extensive section, and we devoted quite a bit of our hearing to this subject matter. When our bill comes to the floor, I think many of those who care about this, will be very pleased with the language.

I just have to raise this point to show that it just goes way beyond.

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

Mr. CARR of Michigan. Mr. Chairman, this may surprise all of the people who are watching, but the fact is our committees are working, if not together, in tandem on this particular issue. We have been observing the actions in this area and approve of them.

□ 1650

We have held hearings on this. And I might say we have asked our surveys and investigation staff to examine airport diversion allegations all over the country. Three years ago I asked the

inspector general of the Department of Transportation to initiate an investigation of airport revenue diversions, and she has done a marvelous job reporting last year on the first 23. And they are going to take about 23 or 25 airports a year, and they are looking into it. The General Accounting Office is concerned.

So all of us are concerned about this. And let us be honest. This comes to our immediate attention not just now, but it has been around. But it bubbles up from time to time, and the latest bubble up has to do with the statements of some of our good friends in local government in Los Angeles and Los Angeles County, and what revenues they might partake of from the Los Angeles-LAX airport.

The gentleman is absolutely correct in describing what our legislation would do. It is a strict limitation, requires the Secretary, and gives the Secretary no discretion, does not require him to do a thing. It does make the point, and I welcome the discussion right now and thank the gentleman for yielding, that communities ought to be somewhat circumspect when they start looking at their local airport as somehow or other a burden or an opportunity for local revenue. They ought to reflect on the fact that Members of Congress from all over the country have supported a highway program that puts pavement on the roads of their community, that puts buses on the pavement, that puts light-rail cars and rails to speed their urban congestion.

The idea that a local unit of government would take this sort of narrow view that the Federal Government does not do anything but penalize them for having a local airport should be rejected.

I would just merely say that of course I rise in opposition to the point of order. But I do not want that to obscure the fact that in our own tracks we are working cooperatively, and we agree on the end gain here.

Mr. OBERSTAR. The objection that I have, and obviously the gentleman shares, is that communities may consider airports as a cash cow to divert money for nonairport purposes. We both want to prevent that from happening. The gentleman's approach I think is draconian and goes far beyond what is intended. And I would hope that in conference the language would be dropped because by then I expect our language would be in place which deals with this in a more focused and more flexible manner.

Mr. CARR of Michigan. Mr. Chairman, I cannot make a flat-out guarantee that that will happen. But our legislation did move slightly before his. We are gratified that you are moving. That eases our burden a bit. And we look forward to working with the gentleman on it, and perhaps in conference we can get a little bit better result than the one we have here.

Mr. OBERSTAR. I certainly hope by then that this language will not have been a necessity, and we will have dealt with it in the appropriate fashion.

Mr. CHAIRMAN, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 334. None of the funds in this Act may be used by the Federal Aviation Administration to support research, engineering or other activities conducted by a limited liability corporation.

SEC. 335. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I make a point of order against section 335.

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

Mr. OBERSTAR. Mr. Chairman, this language requires the Secretary to make a change in the way that slots are allocated at O'Hare Airport. It is a new action not authorized in current law and imposes an action upon the Secretary that is not now required. It requires in fact a new determination by the Department or by the Administrator of FAA that is not now imposed.

Under the provisions in the bill when the Administrator is presented with a request that slots be made available for international operations, the Administrator or the Secretary will have to determine how many slots in fact will be withdrawn from each U.S. carrier as of the date in the provision, which is October 31, 1993. That determination is not required under existing law or existing regulations.

Under existing regulations slots can be removed from U.S. carriers as needed for international service by U.S. or foreign airlines. The situation is the following: When the United States and another country negotiate a bilateral aviation agreement that provides for service for U.S. carriers from this country to another country and for carriers from that country to the United States, we are obligated under the provisions of the bilateral to make slots available for that service to be carried out. The bilaterals also include provisions for the FAA to assure that U.S. carriers get equal treatment, that if the foreign government does not give U.S. carriers adequate slots at the foreign airport, then the Administrator and the Department of Transportation deny that access to U.S. airports to the same degree that access is denied to U.S. carriers overseas.

So there is authority to deal with the problem that the Appropriations Committee attempts to address here. In fact, in the operation at O'Hare of the slot rule, U.S. carrier slot availability has grown considerably while foreign air carriers' slots have increased only 4 percent at O'Hare. Our committee deals with this problem in the bill that we have reported but has not reached yet the House floor by dealing in addition to the O'Hare problem with all four slot-controlled airports. They have to be considered as an entity and particularly at O'Hare this is a problem, because it is the world's busiest airport. It is of enormous importance at home and abroad.

But I think to deal in this limited way with a problem of such magnitude in the context of an appropriation bill is inappropriate, and I would argue that because it does impose new actions and new determinations upon the Secretary that it is a violation of clause 2 of rule XXI.

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

Mr. DURBIN. Mr. Chairman, I seek recognition in opposition to the point of order raised by the gentleman from Minnesota.

The gentleman from Minnesota is my friend, and is highly regarded for his knowledge on the subject. I would like to ask that the committee and the Chair in particular reject his point of order for the following reasons, and I will be as brief as possible because I know everyone is anxious to see this bill come to a final vote.

Under the current situation, slots are given to airlines at three airports in America. Those slots are, in point of fact, the opportunity for an airline to actually land an airplane at that airport. The Federal Aviation Administration allocates those slots for safety reasons, and O'Hare International Airport is affected.

At the current time there are slots that are given to domestic air carriers at O'Hare and international air carriers at O'Hare. The gentleman is correct that from time to time negotiations take place, bilateral negotiations, and some of those slots are given to international carriers through the FAA.

So far the explanation I think is acceptable to everyone. But the next step is the part that we object to.

At that point, domestic air carriers, American Airlines, United Airlines, and the like are forced to surrender their slots, their landing opportunities, to international air carriers.

□ 1700

One might argue that since, for example, both of these airlines fly all

over the world, certainly they have some reciprocity and be given a slot in another country in return. In fact, that is not the case. That is the reason for this language.

What happens is that domestic American carriers lose their slots at O'Hare International to foreign carriers, but receive no reciprocity. They continue to battle with those foreign carriers for an opportunity to land in their country.

I think we need reciprocity and fairness in this process. And that is the reason why I have brought this language before the House in this appropriation bill.

This language creates indirect interference, which is the standard under rule XXI, and an incidental burden on the FAA. It does not require any new duties by the agency. The distinctions between international and domestic slots are already made. What we do is cap the withdrawal of slots. The timeframe which we have chosen is 1 month after the effective date of this legislation in the new fiscal year, which is, incidentally, the time when they make the new allocations for the new season, and it does not create any burden on the agency.

This is, I think, in the strictest sense of the word a limitation on funds for a specific purpose consistent with rule XXI.

The CHAIRMAN. Does the gentleman from Minnesota seek recognition further?

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

With respect to the matter of percentage of slots by domestic carriers operating in international service out of O'Hare, in 1985 United Air Lines had 35 percent of the slots, and in 1993, 45 percent; American had 25 percent in 1985, today it has 35 percent of the slots.

Foreign-flag carriers had 2 percent in 1985, and only 4 percent in 1993.

With respect to the question of the U.S. Government exercising authority to retaliate against foreign carriers who do not comply with the bilateral, I would cite the issue of United Parcel Service, which was seeking access to Tokyo/Norita; because the Japanese Government was restrictive, the United States Government delayed the entry of a Japanese carrier, Nippon Cargo Airways, into the United States marketplace, I had a very significant hand in seeing that it happened by holding hearings and impressing upon our Government the importance of restricting NCA until our carriers got commensurate rights in Japan.

But I must return to the point of order, which is that the determination required under this provision in the act is not now required under existing law and regulation. It is a new determination.

The Secretary will have to make this very elaborate determination of how many slots have been withdrawn from each carrier on a date specified in the act. I therefore, believe it is in violation of the rules.

The CHAIRMAN. Does the gentleman from Michigan seek recognition?

Mr. CARR of Michigan. Mr. Chairman, I wish to be heard on the point of order.

I do not want to drag this out. I request the point of order be denied. The provision is a strict limitation. It applies solely to appropriations under consideration. It is not applicable to funds appropriated in other acts. The provision does not impose new duties upon the executive branch. The existing procedures require the department to know the number of slots withdrawn from each carrier on October 31, 1993, the date specified in the bill.

The provision states that no slots may be withdrawn above that amount if they are to be provided to a foreign carrier. Since the department is required to keep such data anyway, the provision imposes no new duties. The provision does not change fundamental policy. It requires an administrative change at one airport, not all slot-controlled airports.

For these reasons, the provision in question is a valid limitation. I ask the point of order be denied.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

The gentleman from Minnesota [Mr. OBERSTAR] makes the point of order that section 335 of the bill changes existing law, in violation of clause 2 of rule XXI, by requiring new duties on the Federal Aviation Administration to determine the pedigree of slots at O'Hare Airport, which he argues is not currently required.

The gentleman from Illinois [Mr. DURBIN] argues that this information is already being collected under existing regulations and, therefore, would not require any new determinations.

The provision does not appear to impose additional duties in violation of clause 2 of rule XXI, and for these reasons the Chair overrules the point of order.

The Clerk will read.

The Clerk read as follows:

SEC. 336. None of the funds provided by this Act shall be made available for any airport development project, or projects proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App 2201 et seq.) to any public agency, public authority, or airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I rise to make a point of order against section 336.

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

Mr. OBERSTAR. In this section the committee attempts to deal with the matter of imposition of passenger facility charges upon frequent-flier tickets. These are tickets that a traveler does not pay for but are awarded as a result of meritorious use of a particular airline to accumulate a number of points and achieve the benefits provided under the frequent-flier program.

In the 1990 act that established the passenger facility charge authority, the committee made part of what is now public law—wrote the law in such a way passenger facility charges would not be imposed upon frequent-flier tickets.

In reporting new legislation from our committee, we have further emphasized that provision of law. The committee goes beyond current law, though. In order to administer section 336, the FAA would have to undertake new investigations not now required under existing law. Existing law does not require the action that the committee proposes to require. Existing law does not limit the right of a privately owned airport, for example, to impose fees on passengers. For this reasons the FAA has no duty to be aware of whether these airports are collecting fees from paying or nonpaying passengers. Privately owned airports are available for AIT grants if they are open to the public. Therefore, to enforce section 336, when a private airport applies for a grant, the FAA would have to undertake a new investigation not required by existing law, to determine whether the airport was imposing a fee on nonpaying passengers.

Section 336, therefore, constitutes legislation in an appropriations bill and is subject to the point of order I have just made.

Mr. COLEMAN. Mr. Chairman, if I may be heard on this point of order, again I think the Congress should be well aware that we have indeed already acted on this issue before. The Aviation Safety and Capacity Extension Act of 1990, to which the gentleman from Minnesota [Mr. OBERSTAR] referred, did establish a new type of facility charge program that permitted airports to impose charges of up to $12 per round trip on passengers traveling on scheduled airlines. The statute specifies that airlines shall collect this charge from paying "passengers." Nevertheless, PFC regulations promulgated by the FAA did not incorporate the term we in Congress used, "paying passengers," which was used in that law, but used instead an entirely different, a term not a word of art, certainly, but one that they called "passenger emplaned." And the regulation's definition of the latter term references made to "revenue passenger," which is a far more ambiguous term than "paying passengers." That departure from

the precise language of the law has incorrectly exposed an entire category of passengers to the statutorily unauthorized collection of PFC's. In the last Congress I offered language, which the Committee on Appropriations accepted and which this Congress passed, and it became law, that prohibited the FAA from using any appropriated funds to plan or execute any rule to add the cost of PFC's to frequent-flier tickets.

□ 1710

As you know, those are the ones that oftentimes are made as travel awards to citizens. Unfortunately, the FAA chose to interpret this prohibition in the strictest of terms; (1) exempting all previously approved PFC's from that prohibition and (2) placing only a temporary restriction on the practice.

Because the FAA has chosen to circumvent what I believe to be very strong congressional intent in this matter in the last Congress, I am today telling everyone here that what we did again in the Appropriations Committee was merely to say that we would see to it that the FAA would withhold all AIP funds from any airport which continues to impose PFC's on frequent fliers.

I would say, Mr. Chairman, in addition to that, that this does not create new law, but rather does what we have done before.

The CHAIRMAN. Does the gentleman from Michigan seek recognition on the point of order?

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

The CHAIRMAN. The gentleman from Michigan is recognized.

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

Mr. Chairman, this section was rewritten in H.R. 2750 specifically to address the concern expressed by the House Public Works Committee in their testimony before the Rules Committee on our earlier bill.

Yes, we had two bills, and yes, we tried to improve the bill. They expressed a concern that the provision, as originally written, constituted legislation on an appropriations bill, so we changed the provision to conform with House rules and their wishes.

As written in this bill, section 336 is a valid limitation under clause 2 of rule XXI. It prohibits the use of funds for any airport development project at an airport which imposes a passenger facility change [PFC] on travelers using frequent flyer tickets. When the PFC legislation was passed, it was never intended that PFC's would be collected from passengers traveling on frequent flyer benefits. Even though the legislative history is clear in that regard, the Department of Transportation has unwisely and improperly ruled otherwise. The purpose of the provision in this bill is to correct the misinterpretation of existing law by the Department of Transportation.

Mr. Chairman, this provision is clearly a valid limitation under clause 2 of rule XXI. It does not impose additional duties on the executive branch, since the Department already prohibits the collection of PFC's on frequent flyer tickets at some airports, but not at others. Only public airports are authorized by law to impose PFC's, according to the Federal Aviation Act and the Airport and Airway Improvement Acts. The FAA must approve all PFC's. Therefore, they are required to know which airports have PFC's and which do not. Private airports may not impose such fees. This is an ongoing administrative and a process within DOT. Therefore, the provision requires no determinations or duties which are not currently being performed. The provision does not extend beyond the fiscal year covered by this bill or to programs or activities not covered by the bill.

Mr. Chairman, the provision in question is a valid limitation under the House rules. I ask that the point of order be denied.

The CHAIRMAN. Does the gentleman from Minnesota wish to be heard further on the point or order?

Mr. OBERSTAR. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. OBERSTAR. Mr. Chairman, it is not correct to say that nonpublic airports may not impose fees. The language in section 336 says, "impose a fee for any passenger emplaning," and until 1972 all airports were free to impose fees, and many did so, public as well as private.

In 1972 a prohibition was imposed and it was changed in subsequent law and modified further in the 1990 act; but the 1990 act does not prohibit nonpublic private airports from imposing a fee. Therefore, this language requires a new determination upon the Secretary with respect to private airports.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

The gentleman from Minnesota [Mr. OBERSTAR] makes the point of order that section 336 of the bill changes existing law in violation of clause 2 of rule XXI by requiring new duties on the Federal Aviation Administration to determine whether an airport is collecting fees for each enplaning passenger. The gentleman from Michigan argues that this information is already being collected under existing regulations, and thus would not require any new determinations. The section applies to public agencies, public authorities and airports, meaning apparently either public or private airports. Under existing law, certain private airports are eligible applicants for airport improvement grants. The Chair is unable to find in existing law where the FAA is charged with knowledge of fee assessment practices that may exist at private airports. Therefore, in the opinion of the Chair, the section does impose new duties in violation of clause 2 of rule XXI. The point or order is sustained.

AMENDMENT OFFERED BY MR. COLEMAN

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

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Amend H.R. 2750 on page 58 by adding the following new section:

SEC. 336. None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

Mr. OBERSTAR. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Minnesota reserves a point of order against the amendment.

Mr. COLEMAN. Mr. Chairman, in the interest of time, I will just say to my colleagues that we have indeed explained already this particular issue.

I think most Members of Congress would agree that what we did in the last Congress was correct. Indeed, the intention was never on the part of the Congress of the United States, and I would hope not on this new administration or this new Department of Transportation, to believe that it was our intention to charge nonpaying passengers a PFC charge on their tickets.

When people think they have a contract with an airline for a travel award or a coupon for them to fly without paying for the ticket because they have garnered mileage on a certain number of trips on a specific airline, all of a sudden to say, "No, no. We intended for you to have to pay money in order to fly."

Many of us think it is right and proper for them not to be collecting fees at airports.

It was not our intention when we first passed the 1990 act, nor was it our intention when we passed the bill last year. Rather, it was our intention to prohibit it.

I think the Members of the House will again vote the way they did in 1990 and in 1992.

I really and truly believe that I have corrected the amendment, Mr. Chairman, so that we are referring only to public airports. That is the only change I made in section 336.

I added the word "public" in front of the word "airport", so that if in fact some new duty were to be imposed on the FAA by this section, that is no longer true, because they will not be

required to look at any private airports.

With that, Mr. Chairman, I ask for the adoption of the amendment.

The CHAIRMAN. Does the gentleman from Mississippi wish to make a point of order?

Mr. OBERSTAR. I do, Mr. Chairman.

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

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I object to the language on grounds that this is a limitation on appropriations and inappropriate in the Committee of the Whole House.

Further, I would advise the gentleman from Texas that this is an issue that will be dealt with extensively in the reauthorization bill that our Committee will bring to the House floor. That would be an appropriate time for the gentleman to fine tune or adjust whatever he may wish to do or may not feel is strong enough in our language, or whatever. At that point there would be plenty of time to deal with this issue, but I do make the point of order that this is a limitation and in violation of the rules of the House.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule on the point of order raised by the gentleman from Minnesota.

While the amendment offered by the gentleman from Texas corrects the legislative content at issue in the previous ruling, the amendment offered by the gentleman from Texas is in the form of a limitation.

Therefore, it is not in order during the reading of the bill under the provisions of clause 2–C of rule XXI.

Therefore, the point of order raised by the gentleman from Minnesota is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 337. None of the funds in this Act may be used for the planning, design or construction of an additional air carrier runway at Tulsa International Airport.

SEC. 338. Notwithstanding any other provision of law, authority made available on October 1, 1993 for sections 1069 and 1103–1108 of Public Law 102–240 shall remain available for obligation until September 30, 1997.

□ 1720

POINT OF ORDER

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

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

Mr. MINETA. Mr. Chairman, I raise a point of order against section 338.

Mr. Chairman, this section violates clause 2 of rule XXI because it would limit the availability of ISTEA demonstration projects to 4 years instead of, quote, until expended, unquote, as authorized by ISTEA. As such, this provision constitutes legislation in an appropriations bill and is subject to a point of order.

The CHAIRMAN. Do other Members desire recognition on the point of order?

Mr. CARR of Michigan. Mr. Chairman, yes, I wish to be heard on the point of order, but, before explaining my position on the point of order, I would like to let those who may be paying attention to our affairs here know that we are winding down and that this is likely to be one of the last of maybe one or two more small matters before we will begin taking some votes. So, Members ought to be advised that attendance on the floor will be required probably within the next 5 or 10 minutes.

Mr. Chairman, section 338 limits the availability of authority provided by ISTEA for specially earmarked projects to 4 years. Without this provision those funds will remain available until expended. We recommend this language for two principal reasons.

First of all, funding for the basic Federal-aid highway program remains available to a State for obligation for 4 years. That provision is contained in the law authorizing the program. Also, the recommended period of availability for the specially designated projects in this bill as reported from committee was 4 years. We believe all highway funding should have the same period of availability.

Second, limiting the availability of these funds will require States to move projects to obligation more quickly. This should have the beneficial impact of reducing the current unobligated balance for ISTEA demonstration projects of more than $1 billion.

Let me repeat that. Unobligated balances from ISTEA demonstration projects; pork, if my colleagues will, over $1 billion; projects will either have to move that obligation or face loss of funding through a reprogramming or by lapsing to the Federal Treasury. If a project has not been able to get its funding obligated by the end of 4 years, there is probably ample reason to put the money to better use elsewhere.

This is an extension of what we tried to bring to the House floor and tried to get the approval of the House and the Committee on Public Works and Transportation for some good financial management. This refers to dead demo money. If we have this provision, we will no longer have dead demo money in the out-years, money that cannot be touched by anybody, cannot be put to work, cannot be put to creating employment opportunities for America's people, but locked up in some permanent political victory for the benefit of some clever politician.

Mr. Chairman, section 338 is a good government provision. It makes sound financial sense. However, it does go to funds not included in this bill.

Once again, I would ask the gentleman from California [Mr. MINETA] to refrain from his point of order so that good government can reign at least once in this bill so that we do not get hung up on procedural niceties between congressional committees while the hard-earned tax dollars of the hard-working taxpayers gets locked away in some account in the Treasury unable to be used. It simply is not right, and I would plead with the chairman of the Committee on Public Works and Transportation to put sound financial management ahead of jurisdictional niceties.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule on the point of order.

The Chair sustains the point of order on the ground that the provision constitutes legislation on an appropriations bill.

First, it commences with the phrase "notwithstanding any other provision of law." Second, it affects funding provided in another act.

For those reasons the point of order raised by the gentleman from California [Mr. MINETA] is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 339. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 59, after line 15, insert the following new section:

SEC. 340. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the

debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (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 Ohio?

There was no objection.

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. CARR] rise?

Mr. CARR of Michigan. Mr. Chairman, I rise to congratulate the gentleman from Ohio [Mr. TRAFICANT] for his industry on behalf of the American worker and to support his amendment.

The CHAIRMAN. The Chair was under the impression that the gentleman might be raising a point of order.

Mr. TRAFICANT. It is a buy-American amendment, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT] for 5 minutes.

Mr. TRAFICANT. It is a buy-American amendment that has been placed on all the bills, and I would like to say this, that the gentleman from Michigan [Mr. CARR] and the gentleman from Virginia [Mr. WOLF] could have risen and asked for a point of order under rule XXI, clause 2, and stricken this language. I think it is indicative of the fact that many of the things they have done in the bill that have been stricken were done in good faith and trying to create good Government, and I want to thank them personally for it. I realize they could have done that. I think it is constructive language, and, unfortunately, again an authorizing committee has not made this available.

I also want to say of the many concerns this chairman has, many people in the Committee on Public Works and Transportation will work on them and try to get them authorized for him, and I appreciate his objectivity as a new chairman, and I think he is a good chairman.

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

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

Mr. CARR of Michigan. Mr. Chairman, the gentleman is a distinguished member of the Committee on Public Works and Transportation, and we have had many chats about good sound public policy, and I know that the gentleman is committed to good Government, sound Government, sound financial management, and I know he is one member of that committee who would not let clause 2 of rule XXI stand in the way of doing something right. I appreciate that, and in exchange for that and in exchange for his defense of the American worker I gladly accept the amendment.

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

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

Mr. WOLF. Mr. Chairman, I have no objection to the amendment and ask that the amendment be supported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1994".

AMENDMENT OFFERED BY MR. COLEMAN

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

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Amend H.R. 2750 on page 59 by adding the following new section after section 339:

SEC. . None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97-248 (96 Stat. 671; 49 U.S.C. App 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

Mr. COLEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. MINETA. Mr. Chairman, could I at least find out the nature of this amendment before the unanimous consent request is granted?

The CHAIRMAN. Objection is heard to the unanimous consent request. The Chair will ask the Clerk to read the amendment in its entirety.

The Clerk re-reported the amendment.

□ 1730

POINT OF ORDER

Mr. MINETA. Mr. Chairman, I raise a point of order.

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

Mr. MINETA. Mr. Chairman, looking at this amendment, it is a limitation in terms of the appropriations here, and it seems to be out of order. Again, the Subcommittee on Aviation previously had made a point of order on a very similar amendment that was offered by the gentleman from Texas [Mr. COLEMAN], and it seems to me it would still be out of order here.

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

Mr. COLEMAN. Mr. Chairman, I do, to state simply this: that the prior point of order on which my amendment was ruled out of order on a point of order by the gentleman from California [Mr. MINETA], I understood to be because I was in violation of rule XXIII. It was a limitation. I accepted that.

Mr. Chairman, I understand rule XXIII to require that the bill be finished, and at the end of the bill we can raise such amendments. I am doing so, in total compliance with rule XXIII.

Mr. Chairman, I would move adoption of the amendment.

Mr. CARR of Michigan. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, I direct the attention of the Chair to clause 2, subsection (d). The bill has been read, and I would think that the gentleman's amendment is in order.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule. A limitation amendment is in order at this time, as long as it is not legislation on an appropriations bill. The limitation offered by the gentleman from Texas [Mr. COLEMAN] would amend the same section 336 that his earlier amendment would have amended, and the defect which was contained in section 336 of the bill has been cured. Therefore, the amendment is not legislation on an appropriations bill, it is in order at this point since no preferential motion to rise and report has been offered, and the point of order, therefore, is overruled.

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

Mr. COLEMAN. Mr. Chairman, again, I think people now understand, as this is the third time on this particular issue. It was never our intention to charge people who get frequent flier mileage additional money for them to do so.

Mr. Chairman, what in fact really happens is that while we have a blue ribbon commission trying to figure out how to keep the domestic airlines in America healthy on the one hand, at the same time we find ways to tax them. Unfortunately, this tax is being eaten by the airlines.

Mr. Chairman, I think this is a mistake, and it is something that we here in the House of Representatives and in the Congress of the United States never intended. I think we are right to pass this amendment, like we did in 1992. I think it was never intended we would tax people for frequent flier miles when they believe they have a contract with the airlines that they will get a free ticket from time to time. I think it is wrong to try to charge people those extra fees.

Mr. Chairman, I would hope the House would do what it did last year, and pass this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COLEMAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

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

Mr. Chairman, we are at the end of the bill, and we are going to have some votes now as we leave the Committee of the Whole and go into the House.

Mr. Chairman, I want to say that after 2 days, we have had exhaustive, sometimes heated, vigorous debate, and I want to thank all who have participated, both here on the floor and through participation around the Congress.

Mr. Chairman, I want to particularly thank my good friend, the gentleman from Virginia [Mr. WOLF], who has given me a lot of good advice. Maybe I would have been better off had I taken some of his good advice. But the gentleman is a friend and an able colleague and partner in this venture, and I want to thank him, as well as all the members of the committee and the staff.

Mr. Chairman, I particularly want to thank you. This has not been one of the easier bills over which to preside. It has involved a lot of keen attention to parliamentary detail, that in some cases is not required, and that made this job and your job much tougher. But you carried it out with a great deal of skill and dignity. We can all easily see why the people of your district have you here representing them.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 2750, the surface transportation appropriations bill. This bill responds to the many and various transportation problems that face our Nation, including ground and air transport for both short and long distances for both urban and rural communities.

I am pleased to see that this bill addresses the urgent transit problems facing the residents of Chicagoland as well as citizens in urban and rural areas across the country.

Included in H.R. 2750 is an increase in the capital funds available to urban areas under the ISTEA formula. This increase will allow cities like Chicago to provide needed services to their citizens who depend on public transportation.

The increase in capital funds received by the Chicago Transit Authority will hopefully lead to the renovation and improvement of the Lake Street El. This project is extremely important to many citizens in the 7th Congressional District in Illinois who depend on a good public transit system for employment, business and to pursue their daily activities.

The bill also includes funds for many other worthwhile projects like the Delay Reduction Program at O'Hare Airport. This project would make travel to O'Hare, one of the Nation's busiest airports, less stressful by reducing the time of the delays that air travelers often experience.

While the bill successfully addresses many transportation issues there are a few areas which receive less than adequate treatment. I am particularly concerned that H.R. 2750 includes language that may reduce funds for air traffic control facilities and services at Chicago airports. The provision included in the bill may defer construction of operations support wings at the Chicago airport. The reduction in this small program appears to be pound-wise and penny-foolish.

Mr. Speaker, H.R. 2750 includes funding for many necessary programs which are essential to the Nation's transportation system. While everything in the bill is not funded perfectly, by and large the ordering of priorities in this legislation is appropriate. I urge my colleagues to join me in voting for transportation by voting H.R. 2750.

Mr. MARKEY. Mr. Chairman, I rise in strong support of continued funding for Amtrak's ambitious high-speed rail project between New York and Boston and for the acquisition of this Nation's first generation of built-in-America high-speed passenger equipment. I applaud Chairman CARR's decision to include funding for the New York-Boston project in the bill. Completion of the improvements, permitting 3-hour service between New York and Boston, will have a profound transportation, environmental, and economic impact on the entire Northeast.

Amtrak is subject to Buy-America provisions and, as a result, the procurement will lead to the development in this country of a state-of-the-art high-speed rail equipment manufacturing capability. The United States once led the world in rail car manufacturing and Amtrak's new procurement will allow us once again to demonstrate to the world the quality and technology we are able to produce.

In addition, as part of the procurement, Amtrak is requiring the development of a nonelectric power unit that will permit high-speed rail operations in corridors that lack electrified rail service. In this way, Amtrak's new train sets are likely to become the standard for the Nation—in both electric and nonelectric rail territory—for high-speed rail service in the next century.

I understand that it will take Amtrak over 4 years to complete the acquisition of its proposed 26 high-speed train sets. Assuming Amtrak is able to award a contract early next year, this means that the full complement of high-speed trains will not be available for service until sometime in 1998—a long way from now. It clearly is important, therefore, that Amtrak move forward just as quickly as possible with the train set acquisition in order for the country to benefit from the jobs, skills, and improved transportation that will result from this project. The project will increase transportation accessibility and efficiency for the Northeast and the rest of the country as well as alleviate a huge burden from the environment.

Mr. BROWN of California. Mr. Chairman, I want to bring a matter of concern to the attention of the Members. There are many worthwhile projects included in this bill. Much of our transportation infrastructure is in need of repair and there are pressing reasons for extending the capacity of our highway and rail systems.

These projects are near term. But, as we have learned on many occasions, there is also a need to prepare for the future.

When we passed the ISTEA bill, the Congress recognized a need for certain research and development programs. One of those programs called for the development of a prototype maglev system. This program was designed to determine whether or not maglev could be economical in the future.

The experience of American aerospace companies, coupled with our national laboratory experience in superconducting materials, cryogenics, and advanced composite materials, could lead to the finest form of transportation in the world.

We knew maglev was not ready for commercial deployment in 1991. That was one reason we authorized the maglev prototype program. Another reason we authorized the program, was because the extent of research and development required was too risky for private companies to develop on their own.

Appropriations has not funded this project for fiscal year 1993 or fiscal year 1994 while stating in their report, "We do not believe the technology is ready to jump to the full scale operating demonstration that has been proposed in the Surface Transportation Act."

In response I can only say, it never will be ready if it isn't developed. That is the purpose of the research and development program. Mr. Chairman I ask that the maglev program be included as authorized in future appropriation bills.

Mr. KIM. Mr. Chairman, I rise to express my great disappointment about the point of order that was raised against various highway projects including the Ontario International Airport ground access road program. This is an important on-going project that deserves continued Federal funding.

Ontario International Airport is currently undergoing significant expansion and modernization. The construction of new aprons, facilities and a much larger passenger terminal are underway or about to begin.

This aviation facility is crucial to the growing southern California region for the following reasons:

First, Ontario handles 6.1 million passengers with continued increases projected. It is the inland empire's major airport. As it has already exceeded terminal capacity by three times, bids for the new $300 million terminal have already been solicited and construction should begin before the year's end.

Second, Ontario is the primary west coast hub for United Parcel Service and Federal Express. They've already invested millions of dollars in the facility.

Third, Ontario Airport serves as the primary landing alternative to Los Angeles when fog or other dangers prohibit normal landings at LAX. The traffic is significant.

Fourth, the inland empire is the most rapidly growing area in California. Growth has outpaced infrastructure. Ontario Airport is a key intermodal cross-roads at the intersection of three interstate highways, three primary arterials, three rail lines and is adjacent to the regional multimodal transit center.

But, growth along these spokes has overwhelmed the hub. It needs serious improvements to accommodate current needs and reach full potential in the future.

The Ontario Airport road access project that was stricken from the bill included five highway interchange projects, over 20 miles of primary arterial highway and four highway-railroad grade separations.

Most importantly, this project included the essential access roads linking the airport and the new terminal to the rest of the region. What good is a new terminal if there are inadequate, or in certain cases no roads to get to it? Striking this essential project is irresponsible.

The funding of the project was almost complete—66 percent of the total $126 million project cost is being carried by local and private contributions. The current Federal contribution is only 27 percent. That's well below most road projects. The item in the transportation appropriations bill was a request of only $9.8 million. It represents the last segment of the project. But, the unnecessary delay caused by a political fight about congressional committee jurisdiction will ultimately cost the taxpayer much more because delays of ongoing projects add costs.

I'm also very disturbed by the local economic disruption this action will cause. The inland empire has one of the highest unemployment rates in California—which itself has one of the highest rates in the Nation. The Ontario Airport expansion program represents quality jobs during this time of great economic need.

Furthermore, the improved infrastructure will promote even greater growth and job creation as local businesses take advantage of the new, expanded airport facilities. Southern California, already hit by extensive base closings and aerospace contract cuts, cannot afford any delays.

How does this body explain to the people of the inland empire that this number one priority for the region has been delayed because one committee in Congress was upset about the actions of another? Do the unemployed care about committee jurisdiction?

I did not come to Congress to play house politics. I came to help improve the economy and transportation infrastructure of the inland empire, California and the Nation as a whole. I am extremely disappointed that the public's infrastructure needs have taken a back seat.

Mr. Chairman, I want to thank Congressman BOB CARR, the chairman of the Appropriations Transportation Subcommittee, for including the Ontario Airport access roads project in the original bill. I appreciate his understanding of the importance of this project and his willingness to fight for it. I also want to thank Congressman FRANK WOLF, the ranking minority member of the subcommittee, for his continued support and my neighbor, Congressman JERRY LEWIS who has been so instrumental not only this year, but for many previous years in helping provide crucial Federal support for Ontario Airport. And, while I am disappointed that the project was stricken in a parliamentary move, I also want to thank the chairman of the Public Works Committee, NORM MINETA of California and ranking minority member BUD SHUSTER, for also recognizing the significance of this project and for their willingness to help find another means to fund these key access roads as expeditiously as possible.

Mr. BAKER of California. Mr. Chairman, Federal funding for Greenville Road is critical in order to meet the Lab's obligations to pay its fair share of infrastructure costs around the Lawrence Livermore National Laboratory. Unfortunately, the fiscal year 1994 transportation appropriations bill no longer includes funding for this important project. I look forward to continuing to work with Chairmen NORM MINETA and BOB CARR to secure funds for the road.

Greenville Road is a two-lane rural roadway on the easterly edge of the city of Livermore which connects Lawrence Livermore and Sandia National Laboratories to Interstate 580, the primary commuter route between the San Francisco Bay Area and the outlying San Joaquin Valley communities. The planned widening and improvement of Greenville Road is a 3-stage project of which stage 1 has been funded by a Federal Department of Energy [DOE] grant.

The primary objective of this needed project is to alleviate the hazardous flow of employee traffic between the Lawrence Livermore/Sandia facility and Interstate 580. These two Labs currently employ some 10,000 persons, an estimated 7,000 of whom work a normal 8 a.m. to 4:30 p.m. shift. A significant number of these employees commute along the Greenville Road route between Interstate 580 and the Lawrence Livermore Laboratory, generating over 90 percent of the traffic on this road.

The project has already received a DOE grant of $1.8 million for planning activities. It is logical that the Federal Government should realize the benefits of its initial investment with this further appropriation which will benefit its Lab employees.

The city of Livermore has already spent $11 million in transportation improvements near the Laboratory, an expenditure which directly benefits DOE. It is now the Federal Government's turn to join the local community in improving the area infrastructure by assuring the safety of its employees through a widening of the access road to the Lab.

In summary, Greenville Road is used almost exclusively by Federal employees en route to work at the national laboratories. Since the local community has already done its part to improve infrastructure around the labs, it is the responsibility of the Federal Government to pitch in to improve a very hazardous situation faced by its employees each day. Federal assistance with Greenville Road widening requires immediate Federal attention.

I will continue to work for Federal funding of this critical project as this Congress proceeds.

Mr. CARR of Michigan. Mr. Chairman, with that, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended as modified, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MCNULTY] having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that the 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, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. GOSS. Mr. Speaker, a separate vote is requested on the Clement amendment to strike provisions of the bill which prohibit the FAA from issuing new airport approval grant letters of intent, and the Mineta amendment, that adds $284 million for Federal aid to highways and highway safety construction programs.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 14, line 9, strike the colon and all that follows through "Act" on line 13.

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

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

Mr. GOSS. 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 311; nays 94, not voting 28, as follows:

[Roll No. 454]

YEAS—311

Abercrombie	Clement	Flake
Allard	Clinger	Ford (MI)
Andrews (ME)	Clyburn	Ford (TN)
Applegate	Coble	Fowler
Armey	Collins (GA)	Franks (NJ)
Baker (CA)	Collins (IL)	Frost
Ballenger	Collins (MI)	Furse
Barca	Combest	Gallegly
Barlow	Condit	Gejdenson
Barrett (NE)	Conyers	Gekas
Barrett (WI)	Cooper	Gephardt
Bartlett	Coppersmith	Geren
Barton	Costello	Gilchrest
Bateman	Cox	Gillmor
Becerra	Cramer	Gilman
Beilenson	Crapo	Glickman
Bevill	de la Garza	Gonzalez
Bilbray	Dellums	Goodlatte
Bishop	Derrick	Goodling
Blackwell	Deutsch	Gordon
Bliley	Diaz-Balart	Goss
Blute	Dickey	Grams
Boehlert	Dicks	Gunderson
Boehner	Dingell	Gutierrez
Borski	Doolittle	Hall (OH)
Brewster	Dornan	Hall (TX)
Brooks	Dreier	Hamburg
Browder	Duncan	Hamilton
Brown (CA)	Dunn	Harman
Brown (FL)	Edwards (CA)	Hastert
Bryant	Edwards (TX)	Hastings
Bunning	Emerson	Hayes
Buyer	Engel	Herger
Byrne	English (AZ)	Hilliard
Callahan	English (OK)	Hinchey
Calvert	Eshoo	Hoagland
Cantwell	Evans	Hoekstra
Cardin	Everett	Holden
Castle	Ewing	Horn
Chapman	Fields (LA)	Houghton
Clay	Fingerhut	Hughes
Clayton	Fish	Hunter

Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klug
Kolbe
Kopetski
Kyl
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Lloyd
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
McCandless
McCloskey
McCollum
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Menendez
Meyers
Mfume
Mica
Michel
Mineta
Mink
Moakley
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rowland
Roybal-Allard
Royce
Rush
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Woolsey
Wyden
Young (AK)
Zeliff

NAYS—94

Andrews (NJ)
Andrews (TX)
Archer
Bachus (AL)
Baesler
Baker (LA)
Barcia
Bentley
Bereuter
Bonilla
Bonior
Boucher
Brown (OH)
Burton
Camp
Canady
Carr
Coleman
Coyne
Crane
Darden
Deal
DeLauro
DeLay
Dixon
Durbin
Fawell
Fazio
Fields (TX)
Filner
Foglietta
Frank (MA)
Franks (CT)
Gallo
Grandy
Greenwood
Hefner
Hobson
Hochbrueckner
Hoke
Hoyer
Huffington
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kennedy
Kildee
Knollenberg
Kreidler
Levin
Lightfoot
Livingston
Long
Lowey
Mann
Mazzoli
McCrery
McDade
Meehan
Meek
Minge
Mollohan
Moran
Murtha
Natcher
Neal (NC)
Nussle
Packard
Pastor
Penny
Peterson (FL)
Price (NC)
Regula
Rostenkowski
Roth
Roukema
Sabo
Sanders
Saxton
Sharp
Shays
Stokes
Stupak
Taylor (NC)
Visclosky
Walsh
Whitten
Wilson
Wolf
Wynn
Yates
Zimmer

NOT VOTING—28

Ackerman
Bacchus (FL)
Berman
Bilirakis
Cunningham
Danner
DeFazio
Dooley
Farr
Gibbons
Gingrich
Green
Hancock
Hansen
Hefley
Klink
LaRocco
Martinez
McKeon
Miller (CA)
Miller (FL)
Pelosi
Smith (IA)
Tauzin
Thurman
Velazquez
Washington
Young (FL)

□ 1759

Messrs. BROWN of Ohio, BARCIA of Michigan, and ARCHER, Ms. KAPTUR, and Mr. SHAYS changed their vote from "yea" to "nay".

Messrs. BROOKS, WYDEN, KLEIN, and SARPALIUS changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. MCNULTY). The Clerk will report the other amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 17, line 19, strike "$17,198,000,000" and insert "$17,482,663,000".

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

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

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV and the Chair's prior announcement, this is a 5-minute vote, and will be followed by additional votes.

The vote was taken by electronic device, and there were—ayes 267, noes 132, not voting 34, as follows:

[Roll No. 455]

AYES—267

Abercrombie
Andrews (ME)
Andrews (NJ)
Applegate
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Boehner
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Buyer
Byrne
Callahan
Calvert
Cantwell
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Cramer
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Duncan
Dunn
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gejdenson
Gekas
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastert
Hayes
Herger
Hilliard
Hinchey
Hoagland
Hoekstra
Hoke
Holden
Horn
Huffington
Hughes
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kennedy
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lantos
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Rangel
Ravenel
Reynolds
Richardson
Ridge
Roberts
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Shuster
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Snowe
Spence
Spratt
Stark
Strickland
Studds
Stump
Sundquist
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Torkildsen
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Vento
Volkmer
Vucanovich
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff

NOES—132

Allard
Andrews (TX)
Archer
Armey
Baesler
Barrett (NE)
Barton
Bentley
Bereuter
Bliley
Bonilla
Bonior
Boucher
Brooks
Bryant
Burton
Camp
Canady
Cardin
Carr
Castle
Chapman
Coleman
Combest
Cooper
Cox
Coyne
Crane
Crapo
Darden
DeLay
Dingell
Dixon
Dornan
Dreier
Edwards (TX)
Evans
Fazio
Fields (TX)
Foglietta
Fowler
Frost
Furse
Gillmor
Goodlatte
Goss
Grams
Greenwood
Hamilton
Hastings
Hefner
Hobson
Hochbrueckner
Houghton
Hoyer
Hunter
Hutto
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kildee
Knollenberg
Lancaster
Leach
Lehman
Levin
Lightfoot
Livingston
Manzullo
McCloskey
McCollum
McDade
McHugh
McInnis
McMillan
Meek
Moran
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Packard
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Porter
Price (NC)
Pryce (OH)
Ramstad
Regula
Roemer
Rogers
Rohrabacher
Roth
Royce
Sabo

Santorum	Smith (MI)	Visclosky
Sarpalius	Smith (TX)	Walker
Sawyer	Solomon	Walsh
Saxton	Stearns	Weldon
Schaefer	Stenholm	Whitten
Sensenbrenner	Stokes	Wilson
Sharp	Stupak	Wolf
Sisisky	Taylor (NC)	Wyden
Skaggs	Torres	Yates
Skeen	Upton	Zimmer

NOT VOTING—34

Ackerman	Green	Pelosi
Bacchus (FL)	Hancock	Petri
Berman	Hansen	Pickle
Bilirakis	Hefley	Reed
Cunningham	Hutchinson	Smith (IA)
Danner	Johnston	Tauzin
DeFazio	Klink	Thurman
Farr	LaRocco	Velazquez
Gephardt	Martinez	Washington
Geren	McKeon	Young (FL)
Gibbons	Miller (CA)	
Gingrich	Miller (FL)	

□ 1806

The Clerk announced the following pair:

On this vote:

Mr. DeFazio for, with Mr. Bilirakis against.

Mr. FAZIO changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TAYLOR of North Carolina. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TAYLOR of North Carolina moves to recommit the bill, H.R. 2750 to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendments:

On page 33, line 1, strike "$1,324,916,000: Provided further, That no more than $2,404,867,000" and insert "$1,009,975,000: Provided further, That no more than $2,089,926,000".

On page 59, after line 15, insert the following new section:

SEC. 340. Notwithstanding any other provision of this Act, except for the amounts provided under "Coast Guard Operating Expenses", "Federal Aviation Administration Operations" and "Federal Transit Administration Formula Grants", each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1.54 percent.

Mr. TAYLOR of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The gentleman from North Carolina [Mr. TAYLOR] is recognized for 5 minutes in support of his motion to recommit.

Mr. TAYLOR of North Carolina. Mr. Speaker, my motion with instructions would reduce the bill by $811 million. That still puts the bill $1.5 billion above the 1993 budget authority and $1.2 billion above the outlays.

Mr. Speaker, this would decrease the total expenditures by roughly 1.54 percent, and I urge its passage.

Mr. Speaker, this motion to recommit is not complicated. It reduces budgetary resources in this bill by a total of $811 million.

It accomplishes this in the following ways:

First, it reduces budget authority for formula grants of the Federal Transit Administration while still providing an increase of $359 million over last year's amount; Second, it reduces all other accounts in this bill by 1.54 percent—except for operations of the Coast Guard and Federal Aviation Administration.

Mr. Speaker, overall I think this bill is a good one. The subcommittee has done a commendable job staying within its 602(b) allocation.

My issue is not with whether or not this subcommittee is at its allocation, my issue is with total spending above the fiscal year 1993 enacted level. And this bill is above fiscal 1993 by $1.5 billion in budget authority and $1.2 billion in outlays.

When the full appropriations committee considered the 602(b) allocation for each of its subcommittees, the Republican members offered an alternative allocation that would have saved $10.2 billion in budget authority and $4.6 billion in outlays during the upcoming fiscal year.

Obviously, that alternative was not adopted, but the sentiment of the alternative remains.

Not long ago the people of this Nation spoke and said that they did not want business as usual. They want an end to deficit spending, they want Government to do more with less, and they want action now.

Last month, this Congress debated how much to increase taxes and how much to increase spending. The argument seemed backwards to me then and it still is—cut spending first, and then—if all else fails—raise taxes.

A number of my colleagues during the budget reconciliation felt uneasy about supporting the budget package and clammered for additional spending reductions. Well, this is the first appropriations bill to come to the floor since adoption of reconciliation.

And now is the time to put your money where your mouth is.

This motion to recommit reduces the budgetary resources in this bill by $811 million without jeopardizing the safety of the flying American public and without reducing the operations of the U.S. Coast Guard. All other programs in this bill would be reduced by 1.54 percent, saving a small $811 million out of a total of $37.6 billion of resources provided in this bill.

This is a responsible approach. I urge adoption of my motion.

□ 1810

The SPEAKER pro tempore (Mr. MCNULTY). Does the gentleman from Michigan [Mr. CARR] wish to be heard on the motion to recommit?

Mr. CARR of Michigan. Mr. Speaker, I oppose the motion to recommit. I rise in strong opposition to the motion to recommit.

The motion to recommit flies in the face of the many months of hard work by the Committee and the many hard-working hours of the Committee of the Whole. The fact of the matter is, Mr. Speaker, our bill, even as amended, comes below our 602(b) allocations. I repeat, our bill is below our 602(b) allocations.

It is also below the President's budget. We have stayed within these budget targets, and we have made a balanced bill. The motion to recommit now seeks to unbalance the bill.

Mr. Speaker, I urge a "no" vote on the motion to recommit.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BUNNING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 312, noes 89, not voting 32, as follows:

[Roll No. 456]

AYES—312

Abercrombie	Coble	Foglietta
Andrews (ME)	Coleman	Ford (MI)
Applegate	Collins (GA)	Ford (TN)
Baesler	Collins (IL)	Fowler
Baker (CA)	Collins (MI)	Frank (MA)
Ballenger	Conyers	Franks (CT)
Barcia	Cooper	Frost
Barlow	Coppersmith	Furse
Barrett (WI)	Costello	Gallegly
Bateman	Coyne	Gejdenson
Becerra	Cramer	Gephardt
Beilenson	Darden	Gilchrest
Bentley	de la Garza	Gillmor
Bilbray	Deal	Gilman
Bishop	DeLauro	Glickman
Blackwell	DeLay	Gonzalez
Bliley	Dellums	Goodling
Blute	Derrick	Gordon
Boehlert	Deutsch	Grandy
Bonilla	Diaz-Balart	Greenwood
Bonior	Dicks	Gutierrez
Borski	Dingell	Hall (OH)
Boucher	Dixon	Hamburg
Brewster	Dooley	Hamilton
Brooks	Dornan	Harman
Browder	Dunn	Hastert
Brown (CA)	Durbin	Hastings
Brown (FL)	Edwards (CA)	Hayes
Brown (OH)	Edwards (TX)	Hefner
Bryant	Emerson	Hilliard
Byrne	Engel	Hinchey
Callahan	English (AZ)	Hoagland
Calvert	English (OK)	Hobson
Camp	Eshoo	Hochbrueckner
Cantwell	Evans	Hoekstra
Cardin	Everett	Hoke
Carr	Ewing	Holden
Chapman	Fazio	Horn
Clay	Fields (LA)	Houghton
Clayton	Filner	Hoyer
Clement	Fingerhut	Hughes
Clinger	Fish	Hutchinson
Clyburn	Flake	Hutto

Hyde
Inhofe
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (NJ)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tejeda
Thomas (CA)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)

NOES—89

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (LA)
Barca
Barrett (NE)
Bartlett
Barton
Bereuter
Boehner
Bunning
Burton
Buyer
Canady
Castle
Combest
Condit
Cox
Crane
Crapo
Dickey
Doolittle
Dreier
Duncan
Fawell
Fields (TX)
Franks (NJ)
Gallo
Gekas
Goodlatte
Goss
Grams
Gunderson
Hall (TX)
Herger
Huffington
Hunter
Inglis
Istook
Johnson, Sam
Kasich
King
Klug
Knollenberg
Kyl
Lazio
Lewis (FL)
Linder
Manzullo
McHugh
McInnis
Minge
Moorhead
Nussle
Orton
Pallone
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Ramstad
Roberts
Rohrabacher
Roth
Royce
Schaefer
Sensenbrenner
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Taylor (MS)
Taylor (NC)
Thomas (WY)
Walker
Whitten
Williams
Yates
Zeliff
Zimmer

NOT VOTING—32

Ackerman
Bacchus (FL)
Berman
Bevill
Bilirakis
Cunningham
Danner
DeFazio
Farr
Geren
Gibbons
Gingrich
Green
Hancock
Hansen
Hefley
Jacobs
Johnston
Klink
LaRocco
Martinez
McKeon
Miller (CA)
Miller (FL)
Pelosi
Pickle
Slaughter
Smith (IA)
Tauzin
Thurman
Velazquez
Young (FL)

□ 1828

The Clerk announced the following pairs:

On this vote:

Mr. DeFazio for, with Mr. Bilirakis against.

Mr. Martinez for, with Mr. Cunningham against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CORRECTIONS IN ENGROSSMENT OF H.R. 2750, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2750, the Clerk be authorized to make technical corrections, including corrections in spelling, punctuation, section numbering, and cross-referencing.

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

There was no objection.

PERSONAL EXPLANATION

Mrs. THURMAN. Mr. Speaker, on September 23, 1993, I was absent for several rollcall votes during consideration of H.R. 2490, Department of Transportation and related agencies appropriations bill, 1994.

Had I been present, I would have voted "aye" on roll No. 454, 455, and 456.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to a recent series of previously scheduled town hall meetings and individual meetings with constituents I was unable to register my votes.

Had I been present:

Rollcall votes 453, 454, 455, and 456. I would have voted "no" on No. 453 and No. 454 and I would have voted "aye" on No. 455 and No. 456.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW, SEPTEMBER 24, 1993, TO FILE CONFERENCE REPORT ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, September 24, 1993, to file a conference report on the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

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

There was no objection.

MAKING IN ORDER ON MONDAY, SEPTEMBER 27, 1993, CONSIDERATION OF HOUSE RESOLUTION 134, RELATING TO PUBLICATION OF MEMBERS SIGNING A DISCHARGE MOTION

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that the business in order pursuant to clause 3 of rule XXVII, immediately after the approval of the Journal on Monday, September 27, 1993, be dispensed with and that it shall instead be in order at 4 p.m. or thereafter that day for Representative INHOFE, or his designee, to call up House Resolution 134 for consideration under the same terms as if discharged from the Committee on Rules pursuant to clause 3 of rule XXVII.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask to proceed for 1 minute to inquire of the distinguished majority leader the program for next week.

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

Mr. MICHEL. Mr. Speaker, I am happy to yield to the gentleman from Missouri [Mr. GEPHARDT].

□ 1830

Mr. GEPHARDT. Mr. Speaker, obviously votes are finished for today. There will be no votes tomorrow.

On Monday, September 27, the House will meet at 1 p.m. to consider six bills on suspension. Recorded votes on the suspensions will be postponed until the end of legislative business.

Mr. Speaker, the House will consider the following bills on suspension:

House Concurrent Resolution 133, printing of statements in tribute to late Justice Thurgood Marshall;

Senate Concurrent Resolution 4, printing of Senators of U.S. Historical Biographies;

Senate Concurrent Resolution 5, guide to research collections of former U.S. Senators;

Senate Concurrent Resolution 6, Senate election, expulsion, and censure cases;

H.R. 2689, to amend Public Law 100–518 and the U.S. Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs; and

H.R. 2399, Catawba Indian Tribe Land Claims Settlement Act of 1993.

We will also consider House Resolution 134, Publication of Members Signing a Discharge Motion, 1 hour of debate. That will be taken up at around 4 o'clock. Votes will begin to occur after 4:30.

Motions to go to conference on three or four appropriation bills, Commerce, Justice and State, District of Columbia, Foreign Operations, and Interior, are expected.

On Tuesday, September 28, and the balance of the week, the House will meet at 10 a.m. The House will consider H.R. 2401, Defense authorization for fiscal year 1994, subject to a rule; H.R. 3116, Department of Defense appropriations for fiscal year 1994, subject to a rule; a continuing resolution. As the gentleman knows, we are nearing the end of the fiscal year. We will consider possible legislation to extend the Unemployment Compensation Program, subject to a rule. H.R. 2151, Maritime Security and Competitive Act of 1993, subject to a rule, will be considered. Finally, H.R. 2351, Arts, Humanities, and Museums Amendments of 1993, subject to a rule.

Conference reports on appropriations bills are expected as they become available.

Mr. MICHEL. Mr. Speaker, the gentleman made the point with respect to House Resolution 134 that we would, regardless of where we were in the debate on the suspensions, begin debate on that resolution in the 4 o'clock range.

Mr. GEPHARDT. In the area of 4 o'clock.

Mr. MICHEL. Would the gentleman be able to predict at what time we might conclude our business Monday evening? I have had a request for that information. I am not sure what is in the offing.

Mr. GEPHARDT. Mr. Speaker, the answer is in the 8 o'clock area.

ADJOURNMENT TO MONDAY, SEPTEMBER 27, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 28, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 27, 1993, it adjourn to meet at 10 a.m. on Tuesday, September 28, 1993.

The SPEAKER pro tempore. Is here objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PRESIDENT CLINTON'S HEALTH CARE ADDRESS

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

Mr. RICHARDSON. Mr. Speaker, last night the President overcame the special interests, the nay sayers and the TelePrompters to deliver a home run to overhaul the health care system, the biggest domestic initiative since Social Security.

Let us remember, however, that this is only the first inning. The President was bipartisan in his approach. The other side has made some constructive proposals, and unlike the acrimonious budget debate, hopefully they will be part of this debate.

The biggest asset of the plan is security. No matter what, you will be covered, whether you are sick, you change jobs or you move. Every American will have health care. We will also be able to pay for this plan. It will also be fair to small business, and we will have for the first time one of the major initiatives in health care passed by the end of this session of Congress.

Mr. Speaker, last night the President took a major step toward securing something that is critical for the health of the people in this country—peace of mind.

For far too long, American families have lacked security due to a fear of losing their health insurance. And this fear is warranted as insurance companies have found various means of excluding people from coverage.

In my State of New Mexico, we have the highest rate of uninsured people in the country.

The President addresses that problem by making sure that his plan extends universal access to insurance for all. The President's plan extends access to people with preexisting conditions, to the unemployed, and to all other populations who are often excluded from affordable coverage under our current system.

Each American will have access to a very lucrative basic benefits package that cannot be taken away even if a job is lost, someone gets sick, or someone moves.

In the State of New Mexico, many individuals and small businesses cannot afford the cost of health insurance, which continue to increase by as much as 20 percent each year.

Most of the businesses in my district are small businesses. Insurance companies charge them as much as 35 percent more for health insurance than they charge larger businesses.

The President's plan eliminates the enormous differences in insurance premium prices that exist under our current system.

To help keep premiums affordable for businesses and individuals, a cap is placed on the amount that premiums can increase.

The plan also will provide subsidies to small businesses and low-income individuals.

This will help so many in my State who want health insurance themselves or would like to provide it to their employees but are priced out of the health insurance market now.

Furthermore, Mr. Speaker in our current system, even health care experts cannot explain what their health policy does or does not cover. For this reason, it becomes essentially impossible to choose coverage. This makes no sense at all.

The President's plan returns common sense to health insurance by requiring health care providers to give consumers understandable information on policies available to them.

Not only will the choices available to individuals be clearer but they will also have more plans to choose from.

Today, only one of three small- and medium-sized businesses offer a choice of coverage to their employees. Under this plan all employees of companies of any size will have a choice of plans.

Another great advantage of this plan over the status quo is simplicity.

When we are spending 25 cents out of every health care dollar on administrative costs and we still have 37 million uninsured people, something is dramatically wrong with our system.

Unnecessary regulations and paperwork keep doctors from having the time to see patients.

Unnecessary paperwork means the number of hospital administrators is increasing four times faster than the number of doctors.

In a State like mine that suffers from a shortage of physicians, such a statistic is a slap in the face.

Through simplifying the current system we not only save on unnecessary costs, but we are helping both doctors and patients with the bureaucratic redtape complained about by all.

Mr. Speaker, I would also like to applaud the President's goal of returning responsible behavior to a system that certainly lacks it now.

In this country, we do not turn people away from care at any point when they truly need it.

If an uninsured man who has smoked over two packs of cigarettes a day for years walks into a hospital in cardiac arrest, he is going to get the care that he needs.

Under the President's plan not only will that gentleman be covered by insurance, but he will also have preventive care available to him at little or not cost before his health has deteriorated.

If that person wants to enter a smoking cessation program, he will even be able to do that.

If we want to hold down health care costs, we need to stop people from free riding on the system.

We can do that by covering all people under the new system and provide big incentives for people to get preventive care. The President's plan does just that.

On all counts, the President has presented Congress with the most comprehensive and sensible health care reform plan that this institution has ever seen. I look forward to the coming months of debate and deliberation on the President's plan.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

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

Mr. BROOKS. Mr. Speaker, today I am introducing the Violent Crime Control and Law Enforcement Act of 1993.

Right before the August recess, I stood in the Rose Garden with President Clinton to announce the outlines of comprehensive legislation to fight the scourge of crime. That bill is now a reality of more than 400 pages of tough, result-oriented legislation. Without a doubt, it is the strongest and most comprehensive crime bill in decades.

It does not take a Harvard sociologist to understand the devastating effects of crime in our society, in our streets, in our lives. As communities have lost their cohesion, as family values have been replaced by the subculture of gangs, violence has spread uncontrollably. Where once there were certain definable groups of organized crime in large cities, we now live in a state of constant and diffused criminal activity, perpetuated by individuals or small groups, in every community, urban or rural.

The legislation introduced today will finally break this deadly cycle—for it is deadly not to have more cops on the beat; it is deadly not to deter heinous crimes with appropriately severe punishments; and it is deadly to release prisoners back on to the streets who are still drug dependent.

During the past several years, I have tried to pass into law a comprehensive crime fighting bill. Unfortunately, my efforts—and Senator BIDEN'S efforts in the other body—have been thwarted by a handful of politicians more interested in posturing than taking action. This year, it is inconceivable to me that anyone would be willing to opt for "gridlock" rather than "lockup" in fighting crime. Our streets are flowing with blood, and the American public is tired of politicians vying with each other about just who is tougher on crime.

Realistically, 97 percent of all violent crime occurs at the State level. The new Federal crimes specified in this legislation thus represent a small percent of total violent activity in America. However, the bill I introduce today will not only help fight crime at the Federal level, but will, most importantly, help our States and cities fight crime through a variety of programs.

The legislation will give local law enforcement the tools necessary to stop crime, including thousands of new cops on the beat. The bill will steer youthful first-time offenders away from a life of crime, and mandate drug treatment of prisoners before they are released back on the streets. Death penalty appeals will be streamlined, allowing justice to prevail in a fair yet firm manner. The bill will ensure that terrorists will find no safe haven here.

Mr. Speaker, as I believe it will be helpful to our colleagues in reviewing this omnibus proposal, I would like to insert in the RECORD at this point a listing of the titles and subtitles of the bill and a brief summary of the bill's provisions, which includes a listing of the numerous death penalties to be found in the bill.

I also want to point out that certain provisions contained in the conference report on the crime bill from the last Congress—which served as a basis for this effort—are not included in the package introduced today.

In developing this crime package, I have been in consultation with other committees of the House of Representatives, and certain provisions of last Congress' crime package are not included in today's proposal because they fall within the purview of other committees' rule X jurisdiction. For convenience of my colleagues and others, those provisions and committees with jurisdiction follow: Territorial sea matters (Merchant Marine Committee); midnight basketball (Banking Committee); rural drug prevention (Energy and Commerce Committee); failure to obey order to land (Merchant Marine Committee; Public Works); enhanced penalties for certain offenses (Armed Services, Intelligence, Foreign Affairs Committees); close loophole on certain imports (Ways and Means Committee); notification of large sums of cash and contraband in airport screenings (Public Works); drug abuse resistance education programs (Education and Labor); and, undercover operations—churning (Ways and Means).

Also, certain provisions have already been enacted into law. They include: Civil remedy for terrorism (Public Law 102-572); certain crime victims' funding provisions (Public Law 102-572); certain State and local law enforcement funding provisions (42 USC 3793(5) and Public Law 102-140, Sec. 108); Mandatory Literacy Program (Public Law 102-73); sports protection (Public Law 102-559); trauma centers (Public Law 102-321); use of certain educational records (Public Law 102-325); conforming authority for magistrates (Public Law 102-572); maritime law enforcement (Public Law 102-583); economic terrorism task force (Public Law 102-558); savings and loan task force (Public Law 101-647).

Mr. Speaker, in conclusion, when citizens live in fear of physical harm, of drugs corrupting their neighborhoods, of a criminal justice system that does not respect victims or dispense its justice with certainty, the American people deserve decisive action, now. I urge my colleagues to put aside slogans and join with me in moving swiftly forward with this urgently needed legislation.

SUBTITLES IN THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Title I—Public Safety and Policing
Title II—Death Penalty
Title III—Habeas Corpus Reform
Title IV—Coerced Confessions
Title V—Firearms
Subtitle A—Brady Handgun Violence Prevention Act
Subtitle B—Gun Crime Penalties
Title VI—Youth Violence
Subtitle A—General
Subtitle B—Criminal Street Gangs
Subtitle C—Certainty of Punishment for Young Offenders
Subtitle D—Juvenile Drug Trafficking and Gang Prevention Grants
Title VII—Terrorism
Subtitle A—Maritime Navigation and Fixed Platforms
Subtitle B—General Provisions
Title VIII—Sexual Violence and Child Abuse
Subtitle A—Sexual Abuse
Subtitle B—Child Protection
Subtitle C—Crimes Against Children Registration
Title IX—Crime Victims
Title X—State and Local Law Enforcement
Subtitle A—Safer Streets and Neighborhoods
Subtitle B—DNA Identification
Subtitle C—Department of Justice Community Substance Abuse Prevention
Subtitle D—Drug Testing of Arrested Individuals
Subtitle E—Racial and Ethnic Bias Study Grants
Title XI—Provisions Relating to Police Officers
Subtitle A—Law Enforcement Family Support
Subtitle B—Police Pattern or Practice
Subtitle C—Police Corps and Law Enforcement Officers Scholarship Programs
Subtitle D—Study Rights of Police Officers
Title XII—Grant Program for State Prisons
Title XIII—Federal Prisons
Subtitle A—General
Subtitle B—Drug Testing
Subtitle C—Enhanced Penalties for Drugs in Federal Prisons
Subtitle D—Drug Treatment in Federal Prisons

Subtitle E—Studies
Title XIV—Rural Crime
Subtitle A—Fighting Drug Trafficking in Rural areas
Subtitle B—Drug Free Truck Stops and Safety Rest Areas
Title XV—Drug Control
Subtitle A—Drug Emergency Areas
Subtitle B—Precursor Chemicals
Subtitle C—General Provisions
Title XVI—Drunk Driving Provisions
Title XVII—Commissions
Subtitle A—Commission on Crime and Violence
Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States
Subtitle C—National Commission to Support Law Enforcement
Title XVIII—Motor Vehicle Theft Prevention
Title XIX—Protections for the Elderly
Title XX—Consumer Protection
Title XXI—Sentencing Provisions
Title XXII—Computer Crime
Title XXIII—International Parental Kidnapping
Title XXIV—Safe Schools
Title XXV—Financial Institutions Fraud Prosecutions
Title XXVI—White Collar Crime Amendments
Title XXVII—Gambling
Title XXVIII—Bail Posting Reporting
Title XXIX—General Increased Penalty Provisions
Title XXX—Miscellaneous
Title XXXI—Technical Corrections

BRIEF SUMMARY OF THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

TITLE I.—PUBLIC SAFETY AND POLICING

Title I targets crime by putting more police "on the beat" in local neighborhoods and communities. The general purposes of the title include:

Increasing the number of visible officers in community policing;

Enhancing police skills in community interaction;

Encouraging innovative programs for community assistance in crime prevention; and

Developing new technologies to help police become more proactive, rather than reactive, to crime.

Community Policing Program. The Attorney General is authorized to make grants to State and local governments and to other public and private entities to increase police presence, to enhance police-community cooperation in addressing crime and disorder, and otherwise to enhance public safety.

Grant money would be used for hiring additional law enforcement officers and rehiring officers who have been laid off for budgetary reasons for deployment in community-oriented policing.

Other funding objectives include: proactive crime control and prevention; specialized training; facilitation of police-community interaction; development of innovative programs; community involvement in crime prevention efforts; and adoption of community policing as an organization-wide philosophy.

The Attorney General is also authorized to provide technical assistance to State and local governments, which may include the development of a flexible model for implementing community or problem-oriented policing. This assistance may also include establishing training centers to train police executives, managers, trainers, and supervisors regarding community or problem-oriented policing and improving police-community interaction.

States must provide at least 25% of the funding for community policing programs and must also submit plans for assuming the full costs of increased police hiring following a five-year period of Federal assistance.

Grant applications must include a long-term strategy and detailed implementation plan reflecting consultation with community groups and appropriate public and private agencies; information concerning coordination with other governmental agencies; and plans for obtaining necessary funds for continuing the program following the conclusion of Federal support.

Grants to State and local governments are to be used to supplement, and not to supplant, State and local funds; no more than 5% of available funds may be used for administrative costs; and, money received through the asset forfeiture program may be used to cover the non-Federal portion of programs funded under the title.

Each funded program must include an evaluation component (including outcome measures), and the performance of each grant recipient is to be reviewed by the Attorney General.

This program authorizes appropriations of $200 million for FY94, $150 million for FY95, FY96, FY97, FY98, and for FY99.

TITLE II.—DEATH PENALTY

This title establishes the death penalty for certain enumerated offenses as well as procedures for the constitutional imposition of the Federal death penalty. It provides the Federal death penalty for the following offenses:

Aircraft piracy where death results.
Bank robbery where death results.
Carjacking where death results.
Child sexual exploitation where death results.
Conspiracy to violate civil rights where death results.
Damage of Federal property by explosives where death results.
Damage of Federal property by fire where death results.
Damage of property affecting commerce by fire where death results.
Damage of property affecting commerce by explosives where death results.
Destruction of aircraft where death results.
Destruction of aircraft facilities where death results.
Destruction of motor vehicle facilities where death results.
Destruction of motor vehicles where death results.
Drive-by shootings where death results.
General espionage.
Genocide.
Hostage-taking where death results.
Interference with federally-protected activities where death results.
Interstate explosives offense where death results.
Kidnapping where death results.
Mailing dangerous articles where death results.
Murder in aid of racketeering.
Murder of Cabinet officers.
Murder of certain foreign officials.
Murder of court officers.
Murder of diplomats.
Murder by escaped Federal prisoner.
Murder of Federal law enforcement officials.
Murder of Federal judges.
Murder with firearm in course of Federal drug crime.
Murder with firearm in course of Federal violent crime.
Murder with firearm during Federal drug trafficking crime.
Murder during firearms attack in or on Federal facility.
Murder of high-level government officials.
Murder for hire.
Murder of juror.
Murder by life-term Federal prisoner.
Murder of local official assisting Federal law enforcement officer.
Murder of members of families of Federal officials with intent to impede or retaliate.
Murder of Members of Congress.
Murder of President.
Murder in special maritime and territorial jurisdiction.
Murder of staffs of high-level government officials.
Murder of State official assisting Federal law enforcement officer.
Murder of Supreme Court Justices.
Murder of U.S. national in foreign country.
Murder of Vice-President.
Obstruction of free exercise of religious rights where death results.
Rape where death results.
Retaliatory murder of informant.
Retaliatory murder of witness.
Retaliatory murder of victim.
Sexual abuse crimes where death results.
Terrorist murder of U.S. national abroad.
Torture resulting in death.
Treason.
Use of weapon of mass destruction where death results.
Violence at international airports where death results.
Violence against maritime navigation where death results.
Violence against maritime platforms where death results.
Wartime espionage.
Willful deprivation of Federal rights where death results.
Witness-tampering murders.
Wrecking trains where death results.

TITLE III.—HABEAS CORPUS REFORM

Filing Deadlines. Imposes a 180-day limitations period for the filing of Federal habeas corpus petitions. The limitations period applies in capital cases, and in non-capital cases in which the State provides counsel for State post-conviction review. A one-time 60-day extension of the period is available upon a showing of good cause.

Stays of Execution in Capital Cases. Provides an automatic stay of execution in capital cases through the consideration of the first Federal habeas corpus petition. Thereafter, a stay of execution may be granted only if the habeas petition on its face satisfies the requirements for successive petitions.

Limits on New Rules; Standard of Review. Prohibits a Federal court from announcing or applying a new rule to grant relief to a habeas corpus petitioner with two narrow exceptions. Defines a new rule as one that changes the constitutional or statutory standards that prevailed at the time the petitioner's conviction and sentence became final on direct appeal. This section also codifies case law providing for an independent Federal habeas corpus review of claims under Federal law.

Limits on Successive Petitions. Provides that in capital and non-capital cases, a prisoner may bring a second or subsequent petition only if the prisoner shows both cause for not having brought the claim before and prejudice if the claim is not heard. The section also requires Federal courts to give prompt consideration to successive petitions, notwithstanding other items on their dockets.

Provision of Qualified Counsel. Sets standards and procedures for the provision of qualified counsel for indigent defendants at all stages of State capital litigation. Appointed lawyers are to be paid reasonable hourly fees, to be set by the State's highest court.

State Counsel Funding. Provides for grants to States to help fund the provision of defense counsel in capital cases. Also provides grants for the prosecution in Federal habeas corpus cases in an amount equal to that allocated to capital resource centers.

TITLE IV.—COERCED CONFESSIONS

This title reverses the United States Supreme Court's decision in *Arizona* v. *Fulminante*, by declaring that the admission of a coerced confession into evidence in a criminal trial shall never be considered harmless error when the confession is involuntarily obtained. The title also identifies the appropriate harmless error standard for criminal proceedings in Federal court.

TITLE V.—GUN CRIME PENALTIES

Subtitle A.—Brady Handgun Violence Prevention Act

Brady Handgun Violence Prevention Act. Establishes an interim Federal waiting period of up to 5 days before a licensed dealer, importer, or manufacturer may sell, deliver, or transfer a handgun to a private purchaser. During that waiting period, a local law enforcement official would do a background check to determine whether the applicant is ineligible to purchase a handgun under Federal or State law. The interim waiting period would be replaced by an "instant background check" system, once the Attorney General certifies that such a system is established. There is authorized to be appropriated for this program $100 million for FY94 and each fiscal year following.

Subtitle B.—Gun Crime Penalties

Semiautomatics. Enhances the penalty for use of a semiautomatic firearm during the commission of a crime of violence or a drug trafficking crime.

Explosives: Second Offense. Enhances the penalty for a second conviction of using or carrying an explosive in the commission of a Federal felony.

Smuggling Firearms in Aid of Drug Trafficking. Prohibits and penalizes the smuggling of firearms into the United States in furtherance of a Federal or State trafficking crime.

Theft of Firearms and Explosives. Prohibits and penalizes the theft of firearms or explosives that have moved in interstate commerce.

False Statement in Gun Buying. Increases the penalty for knowingly making a false, material statement in connection with the acquisition of a firearm from a licensed dealer.

Possession of Explosives by Felons and Others. Prohibits the possession of explosives by felons, fugitives, drug users and persons adjudicated mentally defective.

Explosives Destruction. Authorizes summary destruction of explosives subject to forfeiture where the explosives cannot be safely removed and stored and allows an innocent owner to make application for reimbursement of the value of the property.

Stolen Firearms. Prohibits a variety of transactions involving stolen firearms (receipt, possession, concealment, sale) which have moved in interstate commerce.

Counterfeiting or Forgery. Enhances the penalty when a firearm is used in the commission of counterfeiting or forgery.

Firearms Possession by Felons. Enhances the penalties for gun possession by violent felons and serious drug offenders.

Receipt of Firearms by Nonresident. Prohibits and penalizes the transfer of firearms to a nonresident of a State, except for lawful sporting purposes.

Firearms and Explosives Conspiracy. Prohibits and penalizes conspiracies to commit firearms and explosives crimes.

Incendiary Ammunition. Directs the Treasury Secretary to conduct a study of incendiary ammunition to determine whether it has a reasonable sporting or law enforcement purpose.

Firearms, Explosives Theft. Prohibits and penalizes the theft of firearms or explosives from a licensed importer, manufacturer or dealer.

Distribution of Explosives. Prohibits and penalizes the distribution of explosives to a person who is legally disqualified from having the explosives.

"Burglary" Clarification. Defines "burglary" for purposes of Armed Career Criminal Statute provisions regarding predicate offenses.

Interstate Gun Trafficking. Increases the penalty for interstate gun trafficking.

TITLE VI.—YOUTH VIOLENCE

Subtitle A.—General

Using Kids to Deal Drugs. Increases the penalties for employing children under the age of 18 to distribute drugs or to assist in avoiding apprehension for a drug offense.

Commencement of Juvenile Proceeding. Clarifies when a juvenile can be transferred to adult prosecution and when a dispositional hearing can be held with regard to that juvenile.

Bindover System for Violent Juveniles. Authorizes grants for bindover systems for the prosecution of 16- and 17-year olds as adults for certain violent crimes (murder in the first or second degree, attempted murder, armed robbery with a firearm, aggravated battery or assault with a firearm, criminal sexual penetration when armed with a firearm, and drive-by shootings).

Subtitle B.—Criminal Street Gangs

Criminal Street Gangs. Provides a term of imprisonment of not more than 10 years and/or a fine for a gang member or person acting on behalf of a criminal street gang who commits a Federal drug or violent crime offense and who has had a prior drug or crime of violence conviction. The penalty is to run consecutively to any other sentence imposed.

A "criminal street gang" is a group, organization, or association of 5 or more persons whose members have engaged in a continuing series of drug crimes or crimes of violence.

Subtitle C.—Certainty of Punishment for Young Offenders

Certainty of Punishment for Young Offenders. Authorizes grants to States to develop alternative methods of punishment for young offenders to traditional forms of incarceration and probation. The alternatives developed must ensure certainty of punishment for young offenders, and promote reduced recidivism, crime prevention and assistance to victims. There is authorized to be appropriated $200 million for each of FY94, 95, and 96.

Subtitle D.—Juvenile Drug Trafficking and Gang Prevention Grants

Juvenile Drug Trafficking and Gang Prevention. Authorizes grants for programs to curb the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles. Additionally, authorizes grants for public or non-profit private organizations or individuals to identify promising new juvenile drug reduction and enforcement programs, as well as programs to address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or near international ports of entry and in other international border communities, including rural localities. There is authorized to be appropriated $100 million for each of FY94 and 95.

TITLE VII—TERRORISM

Subtitle A.—Maritime Navigation and Fixed Platforms

Maritime Navigation and Fixed Platforms. Prohibits and penalizes the seizure of a ship or fixed platform by force, an act of violence against a person on board, damage or destruction of a ship, a fixed platform, or maritime navigation facilities, or the injuring or killing of a person in connection with such activities. Provides the death penalty where death results.

Subtitle B.—General Provisions

Weapons of Mass Destruction. Provides the death penalty where death results from the use of a weapon of mass destruction.

Crimes Against U.S. Nationals on Foreign Ships. Extends special maritime and territorial jurisdiction to offenses committed by or against a U.S. national during a voyage on a foreign vessel that is scheduled to arrive or depart from the United States.

Torture. Provides criminal penalties for the commission of torture outside the United States. Provides the death penalty when the torture results in death. Torture is defined as an act committed under color of law and intended to inflict severe physical or mental pain or suffering upon one within the official's custody or control.

Extension of Statute of Limitation. Provides for an extended, 10-year statute of limitations for certain terrorist offenses.

F.B.I. Access to Telephone Subscriber Information. Provides the FBI with access to telephone subscriber information if the Director or Deputy Assistant Director certifies that the requested information is relevant to a foreign counterintelligence investigation and that there are specific facts giving reasons to believe that it pertains to an agent of a foreign power or to an individual engaged in international terrorism or clandestine intelligence activities involving a violation of U.S. criminal statutes.

Violence at International Airports. Criminalizes acts of terrorism at U.S. international airports. Provides the death penalty where a death results from attempting or performing an act of violence or destruction at an airport.

Terrorism Against Civilian Aviation. Provides criminal penalties for willful violations of airport or airline security regulations.

Counterfeiting United States Currency Abroad. Prohibits and penalizes the making, dealing or possessing of any counterfeit U.S. obligation or security, or plate or stone used to counterfeit such obligation or security outside the United States if such an act would constitute a violation within the U.S.

Enhanced Penalties for Terrorist Crimes. Enhances penalties for any felony, whether committed within or outside the U.S., that involves or is intended to promote international terrorism.

Alien Witness Cooperation. Amends the Immigration and Nationality Act to allow the Attorney General to grant a nonimmigrant visa to an alien who possesses critical and reliable information about a criminal organization, who is willing to supply such information to law enforcement authorities, and whose presence in the United States is essential to the success of an investigation or

prosecution of an individual involved in the organization. This section also allows the spouse and children of such an alien to join the alien in the United States. It limits to 100 the number of nonimmigrant visas per fiscal year and limits the period of admission to 3 years. The Attorney General may adjust the status of these individuals to that of permanent resident under specified circumstances. Such aliens must report to U.S. officials quarterly, may not be convicted of a crime while in the U.S., and must waive the right to contest deportation prior to any adjustment of status.

Material Support to Terrorists. Penalizes those who provide "material support or resources" to terrorists. The term "material support or resources" is defined to mean currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

TITLE VIII.—SEXUAL VIOLENCE AND CHILD ABUSE

Subtitle A.—Sexual Abuse

Sexual Abuse Amendments. Prohibits and penalizes the intentional touching of the naked genitalia of a person under 16 years with an intent to abuse, humiliate, degrade, or arouse or gratify the sexual desire of any person.

Subtitle B.—Child Protection

Child Protection. Establishes a national background check system whereby child care organizations can determine whether prospective employees have histories of child abuse or other serious crimes. States are required to have at least 80% currency of crime cases in their systems within 3 years. The Act also directs a study of child abusers' criminal records. There is authorized to be appropriated $20 million for each of FY94, 95, and 96.

Subtitle C.—Crimes Against Children Registration

Crimes Against Children Registration. This program encourages States to establish registration systems for persons convicted of crimes against minors (kidnapping, false imprisonment, criminal sexual conduct, solicitation to engage in sexual conduct, use in sexual performance, or solicitation to practice prostitution). Under the proposal, such convicts would be required to keep law enforcement authorities informed of their addresses for a period of ten years following release from prison or being placed under supervision. Fingerprints and photographs would be forwarded to State law enforcement agencies which, in turn, would forward them to the FBI. States that fail to establish such systems within three years could lose 10 percent of their Byrne Grant funding.

TITLE IX.—CRIME VICTIMS

Victims' Fund Percentage Allocation Modification. Specifies the amounts available for grants under certain sections of the Victims of Crime Act of 1984.

Relationship of Crime Victim Compensation to Certain Federal Programs. Prohibits victims' compensation funds from being diverted to other federally-financed programs.

Victim's Right of Allocution in Sentencing. Gives victims of violent crimes and sexual abuse the right to address the court concerning the sentence to be imposed on the convicted offender. The right may be exercised by a parent or guardian if the victim is under 18, or by one or more family members if the victim is deceased or incapacitated.

Report on Battered Women's Syndrome. Directs the Attorney General and the Secretary of the Department of Health and Human Services to report to Congress on the medical and psychological basis of battered women's syndrome and the extent to which evidence of the syndrome has been admitted as evidence as to guilt or as a defense in criminal trials.

TITLE X.—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A.—Safer Streets and Neighborhoods

Safer Streets and Neighborhoods. Ensures that the funding formula for Federal-State grants is continued and that federal financial assistance intended for State and local law enforcement is not diverted to Federal programs.

Subtitle B.—DNA Identification

DNA Identification. Establishes a national DNA quality control system for the identification of criminals. Grants to develop DNA analysis would be available to States whose laboratories meet certain quality assurance standards and whose analyses are disseminated in accordance with confidentiality requirements. The quality assurance standards to be followed by the States would be developed by the FBI. In addition, the FBI would be authorized to maintain an index of DNA records of persons convicted of crimes, DNA samples from crime scenes, and DNA samples of human remains. FBI personnel performing DNA analysis would be required to undergo proficiency testing.

There is authorized to be appropriated for DNA analysis improvement $10 million for each of FY94, 95, 96, 97, and 98. There is authorized to be appropriated for DNA proficiency testing $4.5 million for each of FY94, 95, 96, 97, and 98.

Subtitle C.—Department of Justice Community Substance Abuse Prevention

Community Partnerships. Establishes a grant program for eligible coalitions to study and implement substance abuse prevention programs. To be eligible, a coalition would have to include a variety of public and private organizations, agencies and individuals committed to preventing abuse. The efforts of the coalitions would involve substantial community participation. Priority would be given to communities providing evidence of significant substance abuse and support for eliminating it. There is authorized to be appropriated for this program $15 million for FY94, $20 million for FY95, and $25 million for FY96.

Subtitle D.—Drug Testing of Arrested Individuals

Drug Testing of Arrested Individuals. Authorizes grants for drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions. There is authorized to be appropriated for this program $100 million for each of FY94, 95, and 96.

Subtitle E.—Racial and Ethnic Bias Study Grants

Racial and Ethnic Bias Study Grants. Authorizes grants for States that establish, by State law or by the court of last resort, plans for analyzing the role of race in their criminal justice systems. State plans must include recommendations designed to correct any findings of racial or ethnic bias. There is authorized to be appropriated for this program $2 million for each of FY94, 95, 96, 97, and 98.

TITLE XI.—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A.—Law Enforcement Family Support

Law Enforcement Family Support. Requires the Bureau of Justice Assistance to establish guidelines to implement family-friendly policies in law enforcement divisions of the Justice Department; identify model programs that provide support to law enforcement families; and provide technical assistance for stress reduction and family support efforts by State and local law enforcement agencies. It also establishes a grant program for State and local law enforcement agencies, and organizations representing State and local law enforcement personnel, to provide family support services to law enforcement personnel. There is authorized to be appropriated for this program $5 million for each of FY94, 95, 96, 97, and 98.

Subtitle B.—Police Pattern or Practice

Police Pattern or Practice. Makes it unlawful for law enforcement officers to engage in a pattern or practice of conduct that deprives persons of their constitutional or Federal rights. The Attorney General would be authorized to bring a civil injunctive action to eliminate such a pattern or practice.

Subtitle C.—Police Corps and Law Enforcement Officers Scholarships Programs

Police Corps and Law Enforcement Officers Scholarships. Seeks to increase the number of police with advanced education and training, to provide educational assistance to law enforcement personnel and students with an interest in law enforcement, and to recruit more highly educated officers.

Police Corps. This program authorizes up to 10 Community Police Corps Programs in which participants can receive scholarships of not more than $5,000 annually times the number of years in the educational institution's regular program in exchange for a commensurate period of work with a State or local police force upon graduation. If participants do not follow through on their commitment, they must pay back all the scholarship money plus interest at a fair rate specified by the Attorney General.

There is authorized $5 million for each of FY94, 95, 96, 97, and 98. Up to 10% of the grant funds can be awarded to law enforcement officers currently employed by the jurisdiction, and who are assigned to community-oriented policing or who exercise supersivory or training roles in relation to such officers. The grants can be used for college or postgraduate work.

Law Enforcement Scholarships.—This program provides scholarships for in-service law enforcement personnel who seek further education. Grants are also provided for summer jobs or part-time jobs during the year for high school students interested in law enforcement careers. 80% of funds is to be allocated on the basis of the relative number of law enforcement officers per State, and 20% of funds is to be based on the relative shortage of law enforcement personnel. Scholarships are to be paid back with law enforcement service. There is authorized to be appropriated $25 million for each of FY94, 95, 96, and 97.

Subtitle D. Study of Rights of Police Officers

Study of Rights of Police Officers. Requires that the Attorney General conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly. The Attorney General must report the results of that study to Congress no later than one year after the date of enactment.

TITLE XII—GRANT PROGRAM FOR STATE PRISONS

Substance Abuse Treatment in State Prisons. Authorizes grants for residential substance abuse treatment programs in State prisons. To be eligible, programs must be carried out in residential treatment facilities set apart from the general prison population and last between 9 and 12 months. There is authorized to be appropriated $100 million for each of FY 94, 95, and 96.

TITLE XIII—FEDERAL PRISONS

Subtitle A. General

Prisoner's Place of Imprisonment. Provides that the Bureau of Prisons may not consider the social or economic status of a prisoner in designating his or her place of imprisonment.

Prison Impact Assessments. Requires that any submission of legislation by the executive or judicial branch that might affect Federal prison populations be accompanied by an impact statement. Any request from Congress for such a statement on pending legislation would have to be answered by the Attorney General, in consultation with the Sentencing Commission and the Administrative Office of the Courts, within 14 days. An impact statement must include (1) the impact on prison, probation, and supervised release populations, (2) the fiscal impact of such population changes, (3) any other significant factors affecting the cost of the measure and its impact on components of the criminal justice system, and (4) a statement of underlying assumptions and methodologies. In addition to assessing particular pieces of legislation, the Attorney General must submit annual reports showing the cumulative impact of all relevant legislation enacted during the calendar year.

Notification of Release of Prisoners. Requires notice to State and local law enforcement authorities concerning the release or relocation to their areas of Federal offenders under post-release supervision at least five days prior to such release or relocation. Applies to prisoners convicted of drug trafficking and violent crimes.

Application to Prisoners to Which Prior Law Applies. As parole no longer exists in the Federal penal system, this clarifies that, in a case of a prisoner convicted of an offense committed prior to November 1, 1987—when parole did exist—reference to supervised release in Federal criminal law is to be deemed a reference to probation or parole.

Subtitle B. Drug Testing

Drug Testing of Offenders on Post-Conviction Release. Requires periodic drug testing of Federal offenders on post-conviction release.

Subtitle C. Enhanced Penalties for Drugs in Federal Prisons

Enhanced Penalties for Drug Trafficking in Federal Prisons. Provides enhanced penalties for drug trafficking in Federal prisons.

Enhanced Penalties for Illegal Drug Use in Federal Prisons. Provides enhanced penalties for illegal drug use in Federal prisons.

Subtitle D. Drug Treatment in Federal Prisons

Drug Treatment in Federal Prisons. Establishes a schedule for the Bureau of Prisons to place all eligible prisoners into residential substance abuse treatment programs for between 9 and 12 months, in facilities separate from the general prison population. Eligible prisoners would be those with substance abuse problems who are willing to participate in the program. At least 50% of eligible prisoners would have to be in treatment by the end of FY1995, 75% by the end of FY1996, and 100% by the end of FY1997. A prisoner who successfully completes such programs could receive a reduction in sentence of up to one year. Such sums as necessary is authorized to be appropriated for each fiscal year.

Subtitle E. Studies

National Institute of Justice Study. Directs the National Institute of Justice to study the feasibility of establishing an information clearinghouse to facilitate the interstate transfer of prisoners to facilities near their families.

Study and Assessment of Alcohol Use and Treatment. Directs the National Institute of Justice (NIJ) to study the recidivism rates of persons who were under the influence of alcohol at the time they committed their crimes. The study would compare the recidivism rates of those who participated in a residential treatment program while in custody and those who did not. NIJ would also conduct a study of the use of alcohol, alone or in combination with other drugs, as a factor in violent, domestic, and general criminal activity.

TITLE XIV—RURAL CRIME

Subtitle A. Fighting Drug Trafficking in Rural Areas

Fighting Drug Trafficking in Rural Areas. Provides an annual grant authorization for rural drug enforcement and requires the Attorney General to establish rural drug enforcement task forces in each Federal judicial district that includes significant rural lands. It also authorizes the Attorney General to cross-designate law enforcement officers from several Federal law enforcement agencies in furtherance of the purposes of the title and directs the Director of the Federal Law Enforcement Training Center to develop a specialized course of instruction to train law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

There is authorized to be appropriated for rural law enforcement $50 million for FY94, and such sums as necessary for FY95 and 96. There is authorized to be appropriated for rural drug enforcement training $1 million for each of FY94, 95, and 96.

Subtitle B. Drug Free Truck Stops and Safety Rest Areas

Drug Free Truck Stops and Safety Rest Areas. Enhances penalties for drug distribution at or near truck stops and safety rest areas.

TITLE XV—DRUG CONTROL

Subtitle A. Drug Emergency Areas

Drug Emergency Areas. Permits the President to declare a State, or part thereof, a drug emergency area, to take all necessary actions to save lives and to protect property and public health and safety, and to make grants aggregating $25 million for any single major drug-related emergency. A drug-related emergency would exist where drug smuggling, trafficking, abuse, or related violence reaches dramatic levels.

Grant money must be divided equally between drug supply and demand reduction efforts, unless State or local conditions dictate otherwise. In addition to monetary assistance, the President may direct any Federal agency to utilize its authorities and resources (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) to assist State anti-drug efforts.

There is authorized to be appropriated for this program $100 million for each of FY94, 95, and 96.

Subtitle B. Precursor Chemicals

Precursor Chemicals. Imposes registration requirements for precursor chemicals and requires all manufacturers to submit annual reports on the total quantity of listed chemicals produced during the year. It also provides that brokers and traders will be subject to the same record-keeping and reporting requirements for international transactions as exporters and will be subject to the same criminal penalties.

Additionally, the proposal allows the DEA to apply a targeted approach to export controls and establishes criminal penalties for attempting to evade reporting requirements and for smuggling listed drugs. The DEA would have the same inspection authority for listed chemicals as it presently has for controlled substances.

An additional felony would be created for an individual who violates the Solid Waste Disposal Act in the handling of chemicals used to illegally manufacture a controlled substance.

Subtitle C. General Provisions

Drug Dealing in Public Housing Authority Facilities. Prohibits and penalizes drug dealing in or near public housing authority facilities.

Anabolic Steroids Penalties. Prohibits and penalizes a physical trainer or adviser who tries to persuade an individual to use anabolic steroids. The penalty is increased if that individual is under 18.

Advertising. Prohibits and penalizes advertising which aims to illegally solicit or sell drugs.

Enhanced Penalties for Drug-Dealing in "Drug-Free" Zones. Enhances penalties for drug-dealing in "drug-free" zones, such as schools and public housing.

National Drug Control Strategy. Contains a Congressional declaration that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who need it.

TITLE XVI—DRUNK DRIVING PROVISIONS

This title applies State laws in areas of Federal jurisdiction and provides supplementary prison terms and fine authorizations for cases where drunk driving endangers or injures a person below the age of 18. In addition, it contains a Congressional declaration that courts should take into consideration any history of drunk driving in determining child custody and visitation rights.

TITLE XVII—COMMISSIONS

Subtitle A. Commission on Crime and Violence

National Commission on Crime and Violence. Establishes a national commission to develop a comprehensive crime control plan for the 1990s. The Commission would have 22 members, 16 of whom would be appointed by Congress and 6 by the President.

Subtitle B. National Commission to Study the Causes of the Demand for Drugs in the United States

National Commission to Study the Causes of the Demand for Drugs. Establishes a commission to study the causes of the demand for drugs in the United States. The Commission would have 13 members, 10 appointed by Congress and 3 by the President.

Subtitle C. National Commission to Support Law Enforcement

National Commission to Support Law Enforcement. Establishes a commission with the dual purpose of reviewing and recommending changes regarding the operations and effectiveness of law enforcement and the working conditions and compensation of law enforcement officers at the Federal, State, and local

levels. The Commission would have 25 members, 20 of whom would be appointed by Congress and 5 by the President. The Comptroller General would serve in an advisory capacity to oversee the methodology and approach of the Commission's study.

TITLE XVIII—MOTOR VEHICLE THEFT PREVENTION

This title directs the Attorney General to develop a voluntary motor vehicle theft prevention program, which would involve putting decals on the vehicles of consenting owners. Such vehicles could then be stopped by law enforcement officers under conditions specified in rules promulgated by the Attorney General, if the officers have a reasonable suspicion that the vehicles are not being operated by or with the consent of their owners. The title also prohibits and penalizes tampering with motor vehicle identification numbers to further the theft, sale or receipt of a stolen vehicle. Such sums as necessary to carry out the program is authorized to be appropriated.

TITLE XIX—PROTECTIONS FOR THE ELDERLY

Missing Alzheimer's Disease Patient Alert Program. Directs the Attorney General to make grants in support of programs to protect and locate missing patients with Alzheimer's disease and related dementias. There is authorized to be appropriated $1 million for each of FY94, 95, and 96.

Crimes Against the Elderly. Directs the Sentencing Commission to ensure that the sentences for those convicted of crimes of violence against elderly victims be sufficiently stringent to deter such crimes, incapacitate such offenders, and provide enhanced penalties under specified criteria.

TITLE XX—CONSUMER PROTECTION

Insurance Business Crimes. Establishes new Federal penalties for insurance industry crimes, including embezzling from insurance companies, making false entries in insurance company books with intent to deceive, and corruptly influencing or obstructing proceedings before State insurance regulatory agencies or insurance examiners. This section also prohibits persons convicted of criminal felonies involving dishonesty or breach of trust from engaging in the insurance business.

Credit Card Fraud. Strengthens Federal law with regard to credit card fraud by prohibiting the sale of credit cards without credit card company authorization; fraudulent receipt of payments via credit card for goods never received or inferior to those promised; and laundering of credit card receipts.

Mail Fraud. Extends the mail fraud statute to include mail sent by private interstate carriers.

TITLE XXI—SENTENCING PROVISIONS

Among the miscellaneous changes to sentencing and magistrate provisions in this title: the unlawful possession of a controlled substance or firearm, and the refusal to cooperate in drug testing would mandate the revocation of supervised release.

TITLE XXII—COMPUTER CRIME

This title strengthens the provisions of Federal law penalizing computer crimes, particularly in relation to hackers who insert viruses into computers.

TITLE XXIII—INTERNATIONAL PARENTAL KIDNAPPING

This title would prohibit and penalize international parental child kidnapping. It also authorizes grants for training and educational programs on interstate and international parental child abduction. There is authorized to be appropriated $250 thousand to carry out this program.

TITLE XXIV—SAFE SCHOOLS

This title provides annual authorizations for safe schools grants and assistance. It directs the Director of the Bureau of Justice Assistance in consultation with the Secretary of Education to make grants to those local educational agencies most directly affected by crime and violence. Grants would be used to fund anti-crime and safety measures; to develop crime and drug prevention programs; for school victim counselling programs; for crime prevention equipment including metal detectors and video-surveillance devices; and for anti-gang programs. There is authorized to be appropriated $100 million for each of FY94, 95, and 96.

TITLE XXV—FINANCIAL INSTITUTIONS FRAUD PROSECUTIONS

This title strengthens the provision in current law that disqualifies certain persons with criminal records from participating in the affairs of insured depository institutions and credit unions.

TITLE XXVI—WHITE-COLLAR CRIME AMENDMENTS

Proceeds of Extortion. Prohibits and penalizes the receipt possession, concealment or disposal of money or property obtained by extortion. Regarding ransom money, makes it unlawful to transport, transmit, or transfer in interstate or foreign commerce the proceeds of a kidnapping, or to receive, possess, conceal or dispose of the proceeds knowing they have been unlawfully obtained.

Proceeds of a Postal Robbery. Prohibits and penalizes the receipt, possession, concealment or disposal of the proceeds of a postal robbery.

Obstruction of Civil Investigative Demands. Extends the prohibition against obstructing civil investigative demands to include obstruction in racketeering and false claims investigations.

Definition of Savings and Loan Associations in Bank Robbery Statute. For purposes of 18 U.S.C. 2113, defines "savings and loan association" to mean any Federally-chartered savings association or State-chartered savings association insured by the Federal Deposit Insurance Corporation and any corporation under a certain provision of the Federal Deposit Insurance Act operating under the laws of the United States.

TITLE XXVII—GAMBLING

Clarifying Amendments Regarding Scope of Prohibition Against Gambling on Ships in International Waters. Clarifies the scope of the current prohibition against certain "gambling ships."

Criminal History Information. Gives a State gaming enforcement office located within a State Attorney General's office access to FBI criminal history record information for licensing purposes.

TITLE XXVIII—BAIL POSTING REPORTING

This title requires State and Federal criminal court clerks to report to the Internal Revenue Service and prosecutors the name and taxpayer identification number of anyone accused of a drug, money laundering or racketeering crime who posts cash bail exceeding $10,000. The names of individuals other than licensed bail bondsmen posting such bail on behalf of such persons would also be reported.

TITLE XXIX—GENERAL INCREASED PENALTY PROVISIONS

Assault. This section increases the penalties for assault of a Federal officer, of foreign officials, of official guests and internationally protected persons, and assault within a maritime and territorial jurisdiction. It also increases the penalties for the assassination, kidnapping or assault of the President, the presidential staff, congressional leaders, Cabinet officials, and Supreme Court Justices.

Manslaughter. Increases the maximum penalties for voluntary and involuntary manslaughter.

Conspiracy to Commit Murder for Hire. Increases the maximum penalties for conspiracy to commit murder for hire.

Increased Penalties for Counterfeiting—Obligations or Securities. Increases the maximum penalty for counterfeiting obligation or securities through the misuse of any plates, stones, or other objects.

Increased Penalties for Trafficking in Counterfeit Goods and Services. Increases the maximum penalty for trafficking in counterfeit goods and services, and enhances the penalty for second offenders. Provides that such an offense can also serve as a money laundering predicate.

Civil Rights Violations. Broadens the scope and increases the penalties for conspiracies to deprive persons of their civil rights.

Travel Act. Increases the penalties for Travel Act violations involving violence.

TITLE XXX—MISCELLANEOUS

Additional Authorization for Drug Enforcement Administration. There is authorized to be appropriated for the Drug Enforcement Administration $100 million for FY94. These funds are to be used to hire 350 new agents and support staff to investigate drug trafficking in rural areas; to expand DEA State and local task forces; and to hire and train 50 special agents and support personnel to investigate violations of Federal laws regulating anabolic steroids.

Extension of Civil Rights Statutes. Extends the protections of the criminal civil rights statute to any person in a State. (Currently, the statute only covers State "inhabitants.")

Audit Requirement for State and Local Law Enforcement Agencies Receiving Federal Asset Forfeiture Funds. Requires the Comptroller General to audit annually Federal asset forfeiture funds. It also directs the Attorney General to require State and local enforcement agencies to audit annually and detail the uses and expenses to which forfeiture funds were dedicated and the amount used for each use or expense.

Administrative and Contracting Expenses. Requires a report to Congress containing a description of the administrative and contracting expenses paid from the forfeiture fund.

Optional Venue for Espionage and Related Offenses. Creates an optional venue in the District of Columbia for espionage and related offenses regarding the gathering, transmitting, losing or delivering of defense information.

Undercover Operations. Establishes how certain elements of an offense involving stolen or counterfeit goods may be established. This provision is intended to ensure that the scope of the statute extends to situations where the property was not actually stolen but was represented by law enforcement officials during the course of a sting operation as stolen, and was in fact believed by the defendant to be stolen.

Wiretaps. Prohibits and penalizes the disclosure of information obtained through wiretapping or electronic surveillance with the intent to obstruct a criminal investigation.

Theft of Major Art Works. Prohibits and penalizes the theft or procurement by fraud of

any object of cultural heritage held in a museum.

Misuse of "DEA" Initials. Prohibits and penalizes the unauthorized use of the words "Drug Enforcement Administration" and the initials "DEA" in a manner calculated to convey the impression of DEA endorsement.

Trial by a Magistrate in Petty Offense Cases. This provision permits concurrent sentencing of a defendant to imprisonment and probation for petty offenses and the trial of petty offenses by magistrates.

Definition of Livestock. There is no definition of "livestock" in current Federal criminal law. This provision adds such a definition and includes carcasses, since the livestock may be slaughtered after theft and before interstate transfer.

TITLE XXXI—TECHNICAL CORRECTIONS

This title contains various technical amendments to title 18 of the United States Code.

SUPPORT VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Without objection, Mr. SCHUMER was given permission to address the House for 1 minute, and to revise and extend his remarks.

There was no objection.

Mr. SCHUMER. Mr. Speaker, I rise in support of the introduction of H.R. 3131, the crime bill, long awaited. Let me say to my colleagues, this is a very important bill for us, because if you ask people throughout America what their number one or number two problem is, they are going to say their own safety.

For years and years and years we have debated here in Washington the great ideological differences, those on the left fighting those on the right, and we did nothing to make people's lives safer, to do what they were really asking us to do.

This bill, fairly similar to last year's bill, makes a dramatic change. It does not spend most of its time on those great ideological issues, whatever one's position is. It, rather, talks about practical solutions: Cops on the beat, mandatory drug treatment in the prisons, safe schools, money for local law enforcement, taking the guns away from criminals, and tough penalties for those who commit crimes with drugs, with violence, with terrorism.

These are very important things, and we cannot neglect them. We cannot let our other disputes bring these issues down. Because if this bill passes, I am convinced, my colleagues, our streets will indeed become somewhat safer.

So I say to each and every Member, I want to commend the chairman for his work on the bill. We hope to have this bill go through in a bipartisan way. We hope that at the end of this year, we will be able to say there are more cops on the streets, there are fewer guns in the hands of criminals, and that the streets are finally a little bit safer and we are fulfilling our constituents' requests, demands, and pleas.

Mr. Speaker, I hope that we will see this bill on the President's desk before we adjourn this year.

□ 1840

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2758 AND H. RES. 134

Ms. MCKINNEY. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2758 and House Resolution 134.

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

There was no objection.

TRANSFER OF SPECIAL ORDER TIME

Mr. FILNER. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Michigan [Mr. BONIOR] on September 23, 1993, be allocated to the gentleman from Ohio [Mr. BROWN].

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

There was no objection.

CHANGE IN SPECIAL ORDER TIME

Mr. FILNER. Mr. Speaker, I ask unanimous consent to change the 15-minute special order on September 23, 1993 for the gentleman from California [Mr. FILNER] to a 5-minute special order.

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

There was no objection.

THE AT&T ARTICLE WHICH APPEARED IN THE SEPTEMBER, 1993 ISSUE OF "FOCUS," AT&T'S ALL EMPLOYEE MAGAZINE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, on Friday, September 17, 1993, it came to my attention that a depiction of an African as a monkey appeared in an internal AT&T employee publication which went to all AT&T employees. It was a cartoon portraying international calling which shows a monkey placing a call from the continent of Africa to the other continents. All other continents were portrayed by a human cartoon figure placing a call.

As a member of the African-American community and a Member of Congress who represents a district which is 65.6 percent African-American, I am deeply offended and troubled by this portrayal of my people. There never has and never will be a place for this type of irresponsible corporate behavior.

My concern is deepened by the fact that AT&T has in many areas been at the forefront of committing time, effort and resources to the African-American community. AT&T has received awards from the United Negro College Fund for its employee and foundation contributions. It received an award of distinction from the General Services Administration for its nearly 40 percent use of minority subcontractors on the Federal Telephone System (FTS 2000). Further, the magazine, Black Enterprise, cited AT&T as one of the top 25 companies for African-Americans to work in—and the list goes on. The fact that AT&T has worked so hard to achieve tangible results in the aforementioned areas makes this incident all the more tragic.

I sincerely hope that the gravity with which I and other African-Americans view this demeaning incident will not only serve as a wake-up call to AT&T, but to all of its corporate brothers and sisters, that even an unintentional slur to the African-American community will be neither tolerated nor overlooked.

THE PARK SCHOOL—25 YEARS OF YEAR-ROUND EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I rise to pay tribute to the Park Elementary School in Hayward, CA, the oldest year-round school in the Nation. In 1968, Park adopted the first single-track, 200-day school calendar under previsions of a special pilot program approved by the California State Legislature.

In the years since, thousands of children have attended the Park School, providing 25 years of experience that other States have used as a resource. Last year, 23 States had year-round programs and the number of year-round schools is expected to double in the next 2 years.

Principal Jeanne Duarte-Armas will gather with the students and faculty of the Park School tomorrow morning to celebrate the school's silver jubilee. They will be jointed by city leaders and national leaders in the field of year-round education to begin the next 25 years together. I extend them my best wishes, Mr. Speaker, and ask my colleagues to join me in honoring those who make the Park School a special place to learn for their years of achievement and excellence.

CONGRATULATIONS TO THE PEOPLE OF SAUDI ARABIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, it is with great pleasure that I rise on this national day of the Kingdom of Saudi Arabia to announce the resolution of all outstanding issues between the creditors of Sanderson & Porter and the Kingdom of Saudi Arabia. I express my sincere gratitude to King Fahd of Saudi Arabia and to

his very able Ambassador to the United States, Prince Bandar bin Sultan. I also recognize the professional efforts of Sharp & Lankford and R.L. Walker & Co. in resolving this matter, which has been the subject of numerous floor speeches, committee hearings, joint letters, individual pleas, and protracted negotiations.

As you may recall, Mr. Speaker, Sanderson & Porter was a prestigious American engineering firm engaged by the Kingdom of Saudi Arabia to work on three major desalination projects in the Kingdom. Sanderson & Porter ultimately went out of business, and 12 American creditor banks assumed a debt owed Sanderson & Porter. A U.S. court-appointed audit committee, assisted by Sharp & Lankford and Walker & Co., was charged with pursuing the claim.

I became involved in the matter in the fall of 1990 when it was brought to my attention that two of the American creditor banks were Missouri banks. I worked in earnest for over 2 years with the Saudi Arabian bureaucracy; but, recently, the wise intervention of King Fahd and the discretion he granted to Prince Bandar resulted in satisfaction of the claim.

Prince Bandar set out a framework through which meetings were held, exchanges of information occurred, terms were negotiated, and the claim was resolved. Mr. Speaker, thanks to Prince Bandar and his actions, which were true to his word, this issue has been fully put to rest; and I believe that a healthy, bilateral relationship between the United States and Saudi Arabia is enhanced by the resolution.

Abraham Lincoln once responded to criticism that he did not "dispose of his enemies" by pointing our that, when you make your enemy your friend, the "enemy has been disposed." Prince Bandar's diplomacy and personal attention to the issue have, through the resolution of the matter, given new life to this anecdote. We may all wish that this principle will become a guiding light to all parties seeking the path to peace in the Middle East.

I entered this dispute resolution process an adversary, and Prince Bandar has made me his friend by effectively, completely, and sincerely moving the issues to conclusion. I thank him for his hard work and thoughtful and fair deliberation, and King Fahd for authorizing him to do so. I extend warm, good wishes to the people of Saudi Arabia on their national day.

AN ENVIRONMENTAL DISASTER IN SOUTHERN CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, this evening, I wish to bring to my colleagues' attention an environmental disaster in southern California which threatens the health and safety of hundreds of thousands of American citizens: the flow of raw, untreated sewage from Tijuana, Mexico into San Diego, CA.

Tijuana is one of the fastest growing cities in North America. Unfortunately, necessary infrastructure improvements have not kept pace with this spectacular population growth. As a prime example, Tijuana's wastewater treatment system has been unable to treat all of the wastewater generated by private and commercial sources. As Tijuana sits at a higher elevation than San Diego, raw sewage travels from Tijuana into the United States through the Tijuana River Valley and empties into the Pacific Ocean. The volume of raw sewage flowing in the river can vary, depending on rainfall, but has averaged over 30 million gallons per day [Mgal/d]. Some days, it has been as high as 60 [Mgal/d]. Mr. Chairman, can any other Member of this House say that 30–60 mgd of raw sewage flows through the middle of his or her district.

As you can imagine, these raw sewage flows have a disastrous impact on American citizens. The health of my constituents is clearly at risk. Threats of encephalitis, malaria, dysentery and cholera are all very real. In addition to polluting the Tijuana River, the sewage contaminates U.S. beaches, forcing their closure for 146 days in 1993 alone. Aside from the health risks associated with polluted beaches, the economic impact to these seaside communities has been tragic. Tourism is a sizable segment of the local economy—and you can easily imagine how tourists would rate a destination distinguished by raw sewage and closed beaches.

To address this chronic situation, a provision was included in the Water Quality Act of 1987 which authorized funds for the construction of an International Wastewater Treatment Plant in San Diego. An agreement between the United States and Mexico charged the International Boundary and Water Commission with responsibility for design and construction of the treatment plant. A site has been selected, but not one shovelful of dirt has yet been turned. Originally, construction was due to be completed next year.

The treatment plant has several problems. First, as currently designed, the plant will be able to treat only 25 mgd of wastewater. This is completely inadequate to deal with the current realities. Daily flows of 30 mgd are common. As Tijuana continues to expand, we can expect sewage flows to grow as well.

In addition, the completion date has slipped from 1994 to 1998. A variety of funding and design delays are blamed. But whatever the causes, raw sewage continues to flow.

If all this is not bad enough, the situation has recently deteriorated even further. While much of the problem previously came from renegade flows not captured by Tijuana's sewage system, in the past month, highly concentrated, raw sewage has been deliberately released from the Tijuana wastewater treatment system into the United States. Thus, concentrated, raw sewage is almost literally being forced down the throats of my constituents. It contaminates their backyards, fouls the air, and further deteriorates local land values and economic activity.

On behalf of my constituents, Mr. Speaker, I have developed a plan to stop the sewage flows. My legislation, H.R. 3020, has three components. First, it calls on the IBWC to accelerate its construction plans for the treatment plant. The plant must be in operation by the end of 1995.

Second, the plant's capacity must be expanded from the current design stipulation of 25 mgd to a minimum of 50 mgd.

Third, the costs associated with this capacity upgrade and accelerated schedule should be fully borne by the Mexican Government.

One of the most frustrating aspects of this problem is the seeming indifference of the Mexican Government to resolve a problem which is clearly its responsibility. There are currently no plans to upgrade the existing Tijuana treatment system, no plans to initiate a domestic water conservation program and no efforts to find other solutions on the Mexican side of the border.

When it comes to hurricanes and floods, this Congress has moved rapidly to clean up communities and repair infrastructure. We should do no less for a community ravaged by raw sewage from Mexico.

NO EXTRADITION/NO NAFTA?

The SPEAKER pro tempore (Ms. ENGLISH of Arizona). Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Madame Speaker, the United States-Mexico Extradition Treaty is broken and now is the time to fix it. Let me explain.

Earlier this week, I finally felt compelled to begin speaking out about a terrible crime that took place in my region of southern California 1 year ago. That particular on-going case involves a 28-year-old Mexican national, Serapio Zuniga Rios, who is wanted for a brutal assault on a 14-year-old girl. This suspect remains at large, even though his whereabouts in Mexico were known for several months until he vanished from his hometown just a few weeks ago.

Certainly this case is horrible on its own terms and cries out for justice. I intend to do everything I can to press for this suspect to be apprehended and brought to trial.

But this is not at all an isolated case. It is altogether too common and symptomatic of a widespread, systemic law enforcement problem in California and elsewhere. This breakdown is directly related to the flat refusal of the Mexican Government, as a matter of policy, to ever extradite any Mexican national

who is suspected of committing a crime in the United States to stand trial, even in cases involving murder, aggravated assault, rape, or statutory rape.

Yes, there exists a United States-Mexico Extradition Treaty. But in practice it functions as a one-way street.

Article 9 of the 1978 United States-Mexico Extradition Treaty specifically authorizes each country to extradite its own nationals, but leaves extradition to the discretion of each government on a case-by-case basis. The Mexican Government has already refused the extradition request for Zuniga Rios, in spite of direct and repeated appeals from United States Secretary of State Christopher and other high-ranking United States Government officials. However, whenever either government declines to extradite any national when formally requested to do so, that government is obligated to submit the case to its local authorities for prosecution.

In reality, the Mexican Government always rejects out of hand formal United States requests. Even more disappointing and frustrating to United States law enforcement officials, the Mexican Government often declines to pursue suspects and prosecute them under the applicable Mexican laws.

Now is an appropriate and opportune time for the United States Government to persuade the Mexican Government to abandon its nonextradition policy and to come into full compliance with the letter and spirit of the United States-Mexico Extradition Treaty. While Mexico is not the only country that declines to extradite its nationals when sought for crimes committed in the United States, it makes sense that the United States Government seek more cooperation from the Mexican Government in this regard at this point in time. This would clearly establish that countries seeking much closer and preferential trade ties with the U.S. can reasonably be expected to pursue much closer cooperation in law enforcement and criminal justice matters among a broad range of equally important, cross-cultural, bilateral concerns.

Fortunately, a very promising venue is now open to the Clinton administration to seek a change in Mexican Government policy.

Unbeknownst to most Americans, there are bilateral consultations in progress between high-ranking United States and Mexico law enforcement officials. I submit the following explanatory newspaper clipping from the June 22, 1993 edition of The Washington Post. In fact, these consultations originally arose from a Mexican Government request that the United States Government commit to never again pursue any cross-border kidnapping of any Mexican national to face criminal charges in the United States.

These consultations should not be one-sided. While I concur that the United States ought not engage in cross-border kidnappings, the United States ought to secure a change in the Mexican Government's policy of nonextradition in return. After all, one wonders whether any cross-border kidnapping would ever have been contemplated if more cooperation from Mexican law enforcement authorities had been forthcoming.

My view is that these consultations offer a prime opportunity for the United States Government to request that the Mexican Government change its policy against the extradition of suspected felons to stand trial in the United States for crimes they are accused of committing in our country. At the very least, United States negotiators should secure binding guarantees from the Mexican Government that Mexican authorities will vigorously pursue, arrest, and prosecute to the full letter of Mexican law any suspected felons who flee to Mexico to avoid prosecution in the United States. With the proposed North American Free-Trade Agreement [NAFTA] before the Congress this fall, now is a crucial time to impress upon the Mexican Government the primacy of the rule of law, not just in commercial trade considerations.

Following are copies of letter that Congressman CLAY SHAW, KEN CALVERT, and I have sent to President Clinton, Secretary of State Christopher, and Attorney General Reno to urge them to pursue this course of action.

[From the Washington Post, June 22, 1993]

UNITED STATES AND MEXICO PLAN TALKS ON EXTRADITION

(By Daniel Williams)

Mexico and the United States will attempt to negotiate an end to the U.S. practice of abducting criminal suspects in Mexico for trial in this country, Secretary of State Warren Christopher said yesterday.

The talks are being convened at Mexico's request. But in return for an end to U.S. kidnappings, Mexico will be asked to ease its opposition to the extradition of its citizens to the United States, a senior State Department official said.

The move seemed part of an attempt to clear the air of controversial issues as U.S. lawmakers prepare to debate the North American Free Trade Agreement, which would eliminate trade barriers among Mexico, the United States and Canada. NAFTA, as the proposed treaty is known, has attracted opposition in Congress because of fears that U.S. firms would relocate in Mexico where labor costs are just a fraction of U.S. rates.

The ability of drug traffickers to elude capture in Mexico is a sticking point in U.S.-Mexican is a sticking point in U.S.-Mexican relations and a factor used against the proposed trade agreement. Critics of NAFTA say drugs would cross the border more freely if customs barriers were to fall.

"We have agreed to negotiate the extradition issue to find a legally binding way to prohibit territorial abductions," Christopher said during a photo session with Fernando Solana, the visiting Mexican foreign affairs secretary. "The foreign secretary and I have asked our negotiators to proceed as quickly as possible on this very sensitive and important issue."

Christopher said that President Clinton, like President George Bush before him, had assured Mexico in writing that the abductions would stop. Mexico, however, is seeking further assurance in a legally binding treaty, the senior State Department official said.

Negotiatons will begin in July, although Mexico's hope that the issue can be settled by summer's end may be overly ambitious, the official added.

In the 1980s, Mexico became a leading conduit for cocaine from South America as U.S. interdiction efforts in Caribbean disrupted traditional smuggling routes.

In 1985, Mexican drug traffickers captured, tortured and killed Enrique Camarena, a U.S. Drug Enforcement Administration agent working in Guadalajara, Mexico. In 1990 U.S. agents kidnapped Humberto Alvarez Machain, a suspect in the Camarena case, and spirited him across the border.

The abduction angered the Mexican government. Mexican officials were further enraged when the U.S. Supreme Court declined to free Alvarez last year on the ground that his abduction did not violate the U.S-Mexico extradition treaty, on which Mexico's protests were based.

Other suspects in the Camarena killing are in Mexican jails or at large. Mexico, like other Latin American countries, prefers to try within its territory citizens who are wanted abroad.

Ratification of NAFTA is awaiting the outcome of negotiations on side agreements that would address such key U.S. concerns as labor standards and pollution control. Both Clinton and Christopher took Solana's visit as an opportunity to lobby for approval of NAFTA.

"By approving NAFTA, we can cement in place a new source of jobs and economic growth for workers in Canada, Mexico and our own country," said Clinton.

Christopher said that trade with Mexico favors the United States and that enactment of NAFTA would create jobs. He called the proposed treaty an "overriding national interest."

Solana said that Mexico is "fully devoted and determined" to take part in NAFTA. His visit to Washington was one in an ongoing series of get-togethers between U.S. and Mexican officials to discuss issues of trade, immigration, water, the environment and other matters.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 22, 1993.

Hon. BILL CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to bring to your attention a criminal justice and extradition matter of utmost concern to us. Once you read our enclosed correspondence to Mexican President Salinas, we hope you will understand and share our sense of outrage and dismay.

As if the horrible crime which this family in Riverside County, California has endured is not bad enough, their plea for official help from the U.S. Government seemingly has fallen largely on deaf ears, too.

First, after our repeated prodding, it still took the U.S. Departments of State and Justice nine months to formally request the extradition of the suspect for whom there has been a longstanding felony warrant in California. Even when the U.S. Ambassador presented the extradition request last month,

we were told by State Department officials that he was told by the Mexican authorities not to expect extradition to occur.

Second, the Immigration and Naturalization Service (INS) was within three weeks of granting permanent resident status to this suspect last fall even after the crime occurred. INS authorities were totally unaware that the Riverside County Sheriff's Department had issued a felony arrest warrant for this suspect until that fact was called to their attention by the victim's aunt who happens to work on Capitol Hill.

Third, not having heard anything, in mid-June we requested a meeting with officials of the State and Justice Departments concerning substantive developments in this case. Frankly, our patience was exhausted.

Three State Department officials provided a very general briefing, after the Justice Department officials bailed out at the last minute. To say we were disappointed would be an understatement. They simply reported that two weeks earlier a formal extradition request had been made, but that they had little reason to expect a favorable Mexican response, especially given that no Mexican national has ever been extradited to the U.S. Even though there exists a U.S.-Mexico Extradition Treaty, we were told in very matter of fact fashion that Mexican law also prohibits the extradition of its nationals as though we should accept this fact as a fait accompli.

The only shred of encouragement they offered to us was that some opening might arise in ensuing weeks during informal bilateral discussions on extradition issues. Imagine our dismay when we learned that these discussions seem to have been prompted, in no small part, by a Mexican Government demand that the U.S. Government commit to never again kidnap a Mexican national to stand trial in the U.S. as was done in the case involving a Mexican suspect in the torture and murder of a U.S. Drug Enforcement Agency (DEA) agent in Mexico.

In these discussions, we question whether unilaterally acceding to this Mexican Government demand is not tantamount to treating the symptom and not the underlying cause of the fundamental extradition problem that exists between Mexico and the U.S. Could it be that the cross-border kidnapping was deemed necessary precisely because the Mexican Government refused to extradite the suspect involved, while also refusing to take action against him under Mexican law?

The bilateral U.S.-Mexican extradition discussions now in progress present a prime opportunity to make real progress in pursuit of justice in the Riverside County, California case and, at the same time, achieve badly-needed, lasting improvements in extradition policies between Mexico and the U.S.

We do not understand and cannot accept the uncaring manner in which the Rios case has been handled by Mexican authorities to date. It calls into question the rule of law within Mexico and good faith in relations between our two countries. More broadly, it is unacceptable for the U.S.-Mexico Extradition Treaty to be interpreted as a one-way street where the U.S. extradites our nationals to stand trial in Mexico, but the Government of Mexico refuses to reciprocate.

We strongly urge you to secure the immediate extradition of Serapio Zuniga Rios to stand trial for the heinous crime he is acussed of having committed last year in Riverside County, California. We also urge that permanent improvements be discussed with the Mexican Government and incorporated in the U.S.-Mexico Extradition Treaty to make certain that any persons formally charged with crimes on either side of the Rio Grande are routinely extradited to face charges and stand trial in the country where the crimes are alleged to have occurred.

We will take further steps as warranted by your actions in relation both to this case and its broader policy implications.

Sincerely yours,

CLAY SHAW,
GEORGE E. BROWN, JR.,
KEN CALVERT,
Members of Congress.

□ 1850

PRESIDENT CLINTON'S HEALTH CARE REFORM PROPOSAL FOR VA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I am very pleased with the proposed VA role put forth by President Clinton in his health care reform plan.

The President's plan maintains an independent health care option—the VA—for veterans. It will expand access to veterans who currently are unable to get VA services. Veterans with service-connected disabilities or low incomes who choose VA as a provider will pay nothing for their care. Higher income veterans whose conditions are not related to military service will be required to pay a share of the cost of their treatment just as other citizens.

I am especially pleased that, under the President's reform proposal, VA will be given new revenue sources. Besides Federal appropriations, for the first time ever VA will be able to collect from Medicare for the treatment of higher income non-service-connected veterans. VA also will receive funds from health alliances for the treatment of all employed veterans who enroll with VA.

Veterans should have no concern about their health care services being diminished by this plan—they won't—and the entire veteran community should enthusiastically endorse the reform proposal as it pertains to VA.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 2295) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1994, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1993, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. INOUYE, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. BYRD, Mr. MCCONNELL, Mr. D'AMATO, Mr. SPECTER, Mr. NICKLES, Mr. MACK, Mr. GRAMM, and Mr. HATFIELD to be the conferees on the part of the Senate.

THE DANGERS OF THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 60 minutes.

Mr. BROWN of Ohio. Madam Speaker, over the last several months a group of us have come to the House floor to discuss the North American Free-Trade Agreement, to discuss our reasons for opposing that agreement. Joining me this evening is the distinguished gentleman from Michigan [Mr. BONIOR], the majority whip, who has been the real leader in the House in opposition to the North American Free-Trade Agreement; has spoken articulately about the problems of wages, the problems of lost jobs, the problems of hurting American workers' wages, and telling us over and over again how NAFTA is a job killer, how it devastates communities, how it hurts small businesses.

Also with us this evening is my fellow Ohioan, MARCY KAPTUR, who has been a great leader in the opposition to NAFTA. She has always worked for working people, especially in her district. She will talk tonight also about the problems with NAFTA and how it has been a job killer in our communities throughout the country, not just in places like Ohio and Michigan, but all over the country.

The premise of the pro-NAFTA people, the premise of the large American corporations that have spent tens of millions of dollars already in trying to sell something that the American people do not want to buy, trying to sell NAFTA to us, their premise is that jobs that go to Mexico, as the Mexicans begin to get a little wealthier, that there will be a middle class produced in Mexico; that a middle class will form, and they will then turn around and buy Thunderbirds made in my district, or they will buy other kinds of expensive American consumer items, and that will help with American jobs and help with Mexican jobs, and a rising tide lifts all boats.

That is their attitude about what NAFTA will do. There is absolutely no evidence that that will happen. Just this week the majority leader, the gentleman from Missouri [Mr. GEPHARDT], who is the second ranking Member of the House of Representatives, came out in strong opposition to the North American Free-Trade Agreement. I would like to share some things this evening about what Mr. GEPHARDT said about the problems of wages, the problems of lost jobs, the problems of Mexico, the problems of this trade agreement, and what it means to us.

First of all, the Mexican Government has set wages artificially low in Mexico, which means that the Mexicans will never be able to turn around and buy American consumer goods. For instance, in Mexico in the last 12 years,

wages have gone down 32 percent, even though 2,000 American businesses hiring 600,000 to 700,000 Mexican workers, jobs that should be in Toledo, OH and in Lorraine, OH, and Macomb County, MI and San Diego and Texas and all over this country, 600,000 jobs went to Mexico in these 2,000 businesses.

What did that do? That did not raise Mexican wages like the proponents of NAFTA say. What that did is during that time Mexican wages have gone down 32 percent. At the same time, Mexican productivity, those workers actually enriched their employers to the point that productivity went up 41 percent in Mexico during that time. Wages went down 32 percent, productivity went up 41 percent.

In a free society like ours, like in this country, in a free society wages go up at about the same rate as productivity, so if workers are producing more and doing better for their companies, those workers are going to be paid more. That would be the basis of free trade.

In Mexico that simply has not happened. There is the theory and there is the reality. The people that are for NAFTA are making the case, trying to make the case, that free trade is what Adam Smith taught us, and free trade philosophically will make all boats rise, and free trade will make more jobs in America and more jobs in Mexico.

The reality is that this agreement, this North American Free-Trade Agreement, will cost American jobs, will not make the Mexican people wealthier to the point that they can buy Thunderbirds and they can buy other kinds of consumer goods from the United States.

That is the basic reason they say NAFTA should work, is that it will increase the wealth in Mexico, so they will buy more American goods. Clearly, it will not increase the wealth in Mexico. It simply will be a job killer for Americans. It will devastate small businesses and devastate communities in the United States and school systems and all of that in our communities throughout this great country.

Two other issues I would like to briefly mention, and then I would like to yield some time to the majority whip, DAVID BONIOR.

The Mexican Government has spent huge amounts of money lobbying our Government on NAFTA. The Mexican Government has spent somewhere in the vicinity of $30 million to convince your elected Representatives, to convince the people that sit in this body and vote on legislation, to convince us that the North American Free-Trade Agreement is a great thing. Never, never in human history has one country spent that kind of money to lobby the elected Representatives of another country.

It is pretty clear if the Mexican Government is spending that kind of money lobbying for NAFTA, that the people that run the Mexican Government are going to benefit from NAFTA, not Mexican workers, not American school children, not Americans that work for a living, Americans that play by the rules and do the right thing. Clearly, Americans will not benefit from this agreement.

The $30 million the Mexican Government has spent is compounded by the fact that there are 36 families in Mexico that possess, that own, 50 percent of the wealth of that country. I will say that again, 36 families in Mexico control 50 percent of the wealth in that country. Those are the people that will benefit from NAFTA.

Similarly, the largest American corporations that are also lobbying us, and the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from Michigan [Mr. BONIOR] have been the targets, as I have, of incredibly intense lobbying by American corporations and by the wealthiest Americans, and by the newspaper publishers, and people like that in this country. That is who NAFTA is for. NAFTA is for the largest corporations in this country, and NAFTA will benefit those 36 Mexican families that control half the wealth of that country.

The last issue I would like to briefly address with NAFTA that has not been much talked about, but is going to get bigger and bigger, that is the simple cost of implementation of NAFTA. NAFTA is a $50 billion Government program. Conservatives love to talk about, and rightly so, sometimes, and love to guard against very expensive new Government programs. This NAFTA program will probably be the most expensive new program this Congress votes on this year. It will cost $50 billion to implement NAFTA for this reason.

First of all, American tariffs will go down, which will cost the American Government several billion dollars in each year in the years ahead in lost revenue, because those tariffs will not be collected from imports coming in from Mexico.

Second, the Governor of Texas has already asked the Congress for $10 billion to implement NAFTA, to build highways and build and repair highways and bridges and sewer projects. The Governor of Arizona has not weighed in yet. The Governor of New Mexico has not weighed in yet. Especially the Governor of California has not weighed in yet.

You can bet they are going to come to this Congress with hat in hand asking for over $40 billion to implement NAFTA. To do that, this Congress has to do two things, under the new way that budgets are done in this Congress, under the reforms that have been accomplished. That is, for that $50 billion shortfall, for this $50 billion new Government program, the North American Free Trade Agreement, remember that, $50 billion, a $50 billion new Government program, to pay for that we have got to either increase taxes or we have to cut specific programs. That is the law. That is what we have to do.

I cannot go back to the people of Ohio and say, "Oh, we are going to raise your taxes so we can build some new things in Texas, so the Mexicans can steal your jobs." That is a pretty hard case to make. I do not plan to make that case to the people of my district, to increase taxes to pay for this $50 billion new Government program.

The other way we do it is, to raise this $50 billion, we would have to make cuts in programs, and I do not think that we can make the people of Michigan, that we can tell the people of Michigan, "We are going to cut this program for you so that the people of southern California will have these new sewer systems and these new roads and bridges, to pay for this $50 billion new program." The people of Ohio do not want to see cuts to pay for those programs along the Mexican border. The people of Michigan do not want to see those cuts. None of us want to see increased taxes for this $50 billion government program.

Those are all reasons that NAFTA simply will not work. It is not in our interest. It is a job killer. It costs so much, this new government program. There is something simply unseemly about a government spending 30 million, so far, dollars in lobbying your elected Representatives. There is simply something unseemly about that.

□ 1900

Those are all reasons that we need to get the word out in this country that NAFTA is a bad idea. The more we know about it the less people like it, and I think that is why NAFTA is going to go down to defeat in the next couple of months.

Madam Speaker, I now yield to the gentleman from Macomb County, MI, Mr. DAVID BONIOR, the majority whip.

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding. And I want to thank him and MARCY KAPTUR from Ohio and my friend, BART STUPAK from Michigan, who have also joined us as we talk about an issue that I think is of prime importance not only to our region of the country but to the Nation as a whole.

Madam Speaker, if we could bring the easels and charts forward to my right side, I would appreciate that as I want to talk about some issues that are on those charts.

Madam Speaker, my opposition to NAFTA is based on one thing, and I think it is shared by my friends who are joining with me this evening, and that is the concern for working families, their jobs, and the right to a decent standard of living.

Those of us who are in the forefront in trying to stop NAFTA have been accused of playing to people's fears. Yes,

we have heard the pain, and we have heard the suffering and felt the suffering of those who have lost their jobs. We have seen whole communities devastated. We have watched families try to make ends meet on wages that are half what they were just a few short years ago.

Does this mean that we are motivated by fear? We are determined that America should not continue to repeat the mistakes of the past. But does that mean we have no vision for the future? Just the opposite.

You cannot have a vision of the future, you cannot chart a course that will help America compete in a global economy, if you ignore the reality of what is happening to the American people today. The theories of economists are not enough. We must look at the economic reality that is facing this country and the workers in this country each and every day.

We have lost over 500,000, half a million jobs to Mexico in the last decade, and we will lose between 500,000 and a million more jobs in the next decade if NAFTA goes through. Even conservative economists who believe there will be a net job gain under NAFTA in the long term admit that the United States will suffer massive dislocation in the short term, especially in certain sectors and regions of the country.

Ask yourselves what happened to the people who lost their jobs in the 1980's. Everybody knows them. They are in your family, in your neighborhood, you work with their relatives. Most of them did eventually find work, just as most people who will lose their jobs under NAFTA will eventually find work. But at dramatically reduced wages after long periods of unemployment.

A Department of Labor study concluded that many of the people who lost their jobs in the last decade took a 50-percent pay cut when they finally found work again. Their wages were cut in half. Everybody who has had this type of worker dislocation in their district understands this.

The proponents of NAFTA argue that exports to Mexico are already increasing, and that means jobs for American workers. But let us look at the reality of those exports. Capital goods, that is manufacturing plants and equipment, that accounts for 24 percent of United States exports to Mexico last year. Intermediate goods, parts to make final products that are then shipped back to the United States accounts for 61 percent. Only 15 percent of our exports to Mexico were finished consumer goods that the Mexican people could buy. We are, in fact, through capital goods and intermediate goods, things that are made here, shipped off and assembled and shipped right back, we are in fact selling Mexico our factories and our jobs. And our jobs are following.

Just look at this ad to my right, both of them. I think they tell the story very well. It says here, "Yes you can in Yucatan," the campaign by the Mexican Government. At my far right the ad says, "I can't find good, loyal workers for a dollar an hour within a thousand miles from here." It shows a beleaguered-looking American businessman. And the ad goes on to say that labor costs average under a dollar an hour, including benefits, and it goes on to say you could save over $15,000 a year per worker if you had an offshore production plant here. So if you want to see how well you and your plant managers can live, while cutting your competitive costs, call this number, come to Yucatan.

So my office called that number, and I can tell you that they have been besieged by companies all across America calling to find out how they can get in on the goodies. the dollar an hour in wages and benefits package and saving $15,000 a year, and making sure that the management lives in quite comfortable circumstances.

This other ad basically is the same campaign. It says, "Can you cut labor costs 300 percent in 90 minutes? Yes, you can, in Yucatan." They brag about the low-wage situation in Mexico and how American corporations will find it attractive to come down there.

Now the opponents of this will say to you well, you know, they are coming down anyway, these corporations are coming down anyway. So does that argue for us to accelerate that fleeing of American jobs in manufacturing and other facilities in this country?

And people should understand quite clearly that if this passes, as SHERROD BROWN has mentioned, it will cost a ton of money. Some people guesstimate $40 billion in lost revenues and increased infrastructure repair to roads, highways, bridges, retraining workers. It is an expensive proposition, No. 1.

Second, if this passes, as you know, the trade tariff comes off the United States, and it will be more attractive for people to come down to Mexico and relocate. It will be more attractive because they are protected against nationalization of corporations. It will be more attractive for them to flee American workers in the United States and go down to Mexico because they do not have to worry about copyright infringements.

This treaty will accelerate, as these ads clearly point out, the exodus of American jobs. It is as simple as this: How can we expect a Mexican worker to buy an American car when his wages for a whole week will barely allow him to buy a set of sparkplugs? NAFTA will make our jobs our No. 1 export.

And yes, I have been critical of Mexico's current economic and political system. The minimum wage, as you know, in Mexico is 58 cents an hour. And the Mexican Government deliberately keeps wages low, despite increasing worker productivity. We have talked about that productivity increase over the weeks. We have seen an increase in the reports done by Prof. Harley Shaikin, one of the top economists who knows the Mexican economy. Yet the government and those 36 families that Congressman BROWN alluded to control the society in terms of wages.

Mexico's environmental record is a disaster. As we heard in a 5-minute speech not too long ago by the gentleman who represents the border district of Tijuana, Mr. FILNER, it is a disaster with raw sewage coming over here and it is poisoning their people from basically, oftentimes, American production facilities located on the border dumping pollution at will.

The restrictions on freedom and basic human rights are well documented. I want to hear the proponents of this treaty talk about the 532 members of the opposition political party that have been killed by federal police in the last 10 years. You do not hear about that. You do not hear about it from the publishers. You do not hear about it from the editors. You do hear about it from the reporters. They will not talk about it. And what is particularly disturbing to me is they will not talk about over the past 10 years the 26 journalists that have been killed there since 1988.

The judicial system is rife with corruption and Amnesty International has cited Mexico for the widespread use of torture. It is an interesting read. I would recommend it to those of you who are concerned about basic human rights in the Americas.

I mentioned several times and I am going to repeat it again, because Mario Marjislova, a Democrat, one of the great writers in the Americas today, a Peruvian, said that Mexico is the perfect dictatorship because it gives you the guise of a democracy, but yet underneath it, underneath it, there is no sense, there is no decency.

Let me talk to Members about some of these human rights issues because I think they are terribly important and they need repeating. Fifty-eight journalists have been killed in Mexico in the last 10 years, 26 have been killed since 1988.

□ 1910

A magazine editor, Ignacio Castillo, was murdered in November 1992 after returning home from a protest against intimidation of the press. Others in Mexico said he had been killed because he discovered information damaging to the State in which he lived and to the Governor of that State. Borge was accused of illegally diverting $41 million of public money.

Another point in fact: In October 1991 a young television journalist named Gabriel Venegas was found murdered by the side of the road. Two weeks ago

a journalist named Juvencio Galvez was found stabbed to death in the same region. Another point: The London-based Pen Club dispatched a delegation to investigate these and other abuses against journalists. Club leader John Farell was quoted as saying that journalists were worried about the "large number of reporter assassinations and disappearances as well as death threats and attacks against journalists in Mexico."

In 1985 a reporter named Manuel Buendia was fatally shot four times while entering a garage near his office. Most agreed the death was linked to his 38 years of outspoken journalist attacks on the corrupt political system in Mexico. Only 9 hours after that death, that shooting, the body of another reporter was found in a ditch, his mouth gagged and wired, and with three bullets in his head.

In another incident in that same year, an American reporter from Texas was arrested, interrogated, and tortured for 12 hours. He had been interviewing workers on a hunger strike who were protesting having been fired from a maquiladora plant, trying to organize for better conditions.

In June of this year the secretary general of the Latin American Federation of Journalists in Mexico:

> Mexico is the member with the highest number of killed and disappeared journalists in the last 23 years, with 84 cases.

It goes on and on and on. If I could talk to you about something that just happened this week that I think needs to be discussed here tonight.

On Tuesday, this week, a busload of trade unionists who were participating in a tour of a maquiladora facility in the Tijuana area were detained by the Mexican police for over 3½ hours. Most of the group, about 40 altogether, were members of the International Association of Machinists and Aerospace Workers. The group also included Maryland State legislator John Jeffries, who is the chair of the Maryland General Assembly Black Caucus.

And for me, most importantly the group included a constituent of mine, John Winterhalter. He lives with his wife and two sons in Romeo and worked as a business agent for Machinists Local 2848 in Warren, MI. The group was detained in a fenced area, they were isolated, not allowed to make phone calls, not even to the American consulate. Every person on the bus was asked to show identification, including addresses and ages.

At first they were told—they were not told why they were being detained; then they were told they needed a special visa to enter the maquiladora zone even though no such requirement exists under Mexican law.

Then they were told their violation was simply discussing internal working conditions with Mexican workers. That was a quote. That is understandable because of the absolutely horrendous, terrible situation that exists in the maquiladoras.

Eighty percent of those factories down there are American corporations. About the same number, 80 percent of the people there are kids and women, and they treat them like dogs in terms of what they pay them, the way they live, the pollution they are exposed to.

Before releasing these machinists, the Mexican police admitted that they detained the bus at the request of the owners of one of the maquiladora factories, Carlisle Plastics, which is headquartered in Boston, MA.

The situation in this maquiladora zone is just one example of what we can expect to find throughout Mexico if NAFTA passes. This shows that while our factories may freely cross the border under NAFTA, the workers who will fill them are not free. You cannot have free trade with a country that does not practice freedom for its own people or its visitors.

It shows how different our very own companies treat their workers when they move their plants south of the border. Anyone concerned about the lives and the futures of workers in the United States, Canada, or Mexico should not ignore the ugly reality of Mexico's policies today.

I could go on and on and on about the judicial system, about the locked-in political system, of the fraud in the elections, but I will come to that in another evening.

NAFTA, unbelievably, does nothing to change this. NAFTA will give us more of the same; NAFTA will lock in the status quo. There are people in Mexico trying to reform the judicial system, trying to improve human rights, trying to organize independent labor unions so the workers' standards can rise. NAFTA will lock in the people who are in charge now. And it will accelerate the economic damage that is being done to both Mexico and the United States.

Our future is linked with the future of the people of Mexico. We must be on the side of those who are fighting for democratic reform and for a decent standard of living for the people of Mexico, not on the side of the status quo. Our choice is not between the past and the future; the question is what kind of future do we envision for workers on both sides of the border? Now, that is on both sides of the border.

Some are making the argument that we are not looking to the future, we are hiding in the past. The future is not reducing American workers' labor standards and wages to the level that they were before we made the progress we made over the past 40 years. The future is not doing away with the environmental, safety laws, consumer laws that people fought hard for in this country, in State legislatures and in this very Chamber.

That is not the future. The future is not keeping the status quo in Mexico, which instituted and keeps demanding these practices that I have just enunciated to you this evening. The future is moving beyond that. The future is a better standard of living for the workers on both sides of the border. The tragedy is that workers were not considered in this agreement. It is so clear, it is so obvious they were not given the time of day.

Do we really want to ratify a system that keeps Mexican wages low, provides no protection for health, safety, or environmental matters? And also, to ask American workers to compete in a system where the deck is stacked, unfairly stacked against us? Is this the future that NAFTA envisions that will export American jobs, that will reduce Americans' standard of living and will not provide Mexican workers with a high enough standard of living to buy our products, or do we want a future instead that raises the skills, the wages, the standard of living in America, encourages investment, encourages training and infrastructure and job creation so that our workers can compete? Should we not demand that any agreement with Mexico helps raise the standard of living of Mexican workers closer to our level instead of reducing our standard of living to theirs?

That should be fundamental and basic. It is what the Europeans do. When the countries of Europe launched the effort to build an unified economic market—they had been working on it for 40 years—they developed certain standards of democracy, political freedom, labor rights, and health and safety standards that each country must meet before they are accepted. That is why Spain, Portugal, Greece, and now Turkey have had the difficult time getting in, because they have not met these standards.

They are trying to meet them. Some of them have met them already. But those are the goals. It took the European Community over 40 years to integrate economies where wages and standards of living and the basic political systems were far more similar than ours with Mexico. Even so, the European Community will spend $100 billion on adjustment programs between 1989 and 1993 to try to make their pact work.

Who will pay the costs here, as Sherrod Brown has indicated, in this country that will result from NAFTA; costs to retrain workers, retool factories, rebuild our infrastructure, cleanup the environmental border mess?

We have been told it could cost in excess of $40 billion. We could not get, we are fighting first of all over how to deal with the unemployment compensation extension bill this week, trying to figure out where to get a little bit of money to take care of our own workers

here. We could not get $16 billion for jobs in the stimulus package.

Now, all of a sudden, many of the same people who were adamantly opposed in both bodies in this institution on that issue are coming forward and are going to support us on these issues? Not credible.

As it stands right now, the people of Michigan will pay that cost in lost jobs, in lowered standards of living, years of wondering how we will put the lives of our families and our neighbors back together after NAFTA.

Would I like to support a North American Free-Trade Agreement? I would say, "Yes; yes, I would." Do I believe we could over time put together an agreement that is good for both the people of Mexico and Michigan? Yes, I do.

□ 1920

But this agreement is a bad deal. It is a lousy negotiated deal. It is a sellout of workers on both sides of the border and a reward to those who have abused and exploited the people of Mexico who are trying to raise themselves and their families.

That is why I say this NAFTA is not the NAFTA for us. This is not the NAFTA we want. This is not the NAFTA that is good for the people of the Americas.

I thank my colleague for yielding and giving me a chance to express myself, and, before using up the time that he has so generously given to me, I would like to point out to my colleagues, I think, a very interesting column.

Madam Speaker, I do not know if the people follow the press, but it is oftentimes two and three to one pro-NAFTA press. It is so obvious and clear. It is their right, obviously. The editors and the publishers feel strongly about this, but it is certainly one-sided.

But here is another side. It is called "The Free-Trade Debate: A Matter of Class" by Joe Urschel, and if I could just take a few seconds, I would like to read a little bit of it to my colleagues tonight because it appeared in USA Today. He says:

The elite pushing NAFTA doesn't understand workers' very real anxieties.

The Clinton folks thought they achieved a great coup when they trotted out ex-presidents Ford, Carter and Bush to endorse the North American Free Trade Agreement.

What an impressive image. Elder statesmen putting aside their differences to support one of the few things they have in common: a love for NAFTA.

Others, though, look at this group and see something different: Three retired millionaires living on fat government pensions, all of whom were voted out of office for bungling the economy.

Here's something else they have in common—and they share it with everyone who supports this pact: Under no conceivable scenario would they be adversely affected if it were passed.

The coalition pushing NAFTA is a broad band of big-business leaders, Republicans, "New Democrats," academics who practice the illusory science of economics and the newspaper intelligentsia which runs the nation's editorial pages.

To them, NAFTA is not about jobs. It's merely a theoretical concept which, at the very least, will be good for the returns on their mutual fund investments.

George Will is not going to lose his job if he is wrong about NAFTA. If NAFTA further erodes the standard of living for the American worker, it will be no worse for Jerry Ford than a little drizzle on the back nine. Lee Iacocca can keep right on cashing in options and making millions.

Working folks don't really matter to America's new monied professionals. That is the dirty little secret of NAFTA. Unions are increasingly seen as an impediment to profits in this new "global economy," which seems to dictate that people who work with their hands should be paid with buttons and string.

And the coddled opinion leaders of the baby boom—who've inherited their lofty standards from the mill workers, farmers, cooks and bricklayers who were their fathers and grandfathers—sit in ergonomically designed chairs and tap out enlightened thought about "the realities of international competition" and tell the workers to "adapt."

People who couldn't grab the right end of a hammer without a prep course from Bob Vila now sit in judgment of which kind of labor is "skilled" or "unskilled" and ape the words of economists (the Chance Gardeners of social thought) about which kind the country needs.

Even the proponents of NAFTA admit that, initially, the pact will result in tens of thousands of jobs lost to Mexico (not their jobs, however). But—they predict!—hundreds of thousands of new jobs will be created. The point is, everything is conjecture. No one knows what will happen.

American workers are being asked to jeopardize the job they've got and opt for the "two in the bush." Anyone who takes his or her skepticism or fears the least bit seriously is a "freak," a "protectionist" or, to use Jimmy Carter's word, a "demagogue."

Seems he's gotten over his malaise.

I just want to conclude by suggesting to my colleagues that this is not a good treaty. It is not good for the workers in this country. We can do much better. We have a new President, Mexico will have a new President themselves very shortly, and there may be a change of government in Canada. It seems to me what we ought to do is have all these new leaders go back to the drawing table, and maybe this dose of reality in terms of really who was affected and who the parliaments in all these countries are, or at least some of these countries are talking about and standing up for the workers, the citizens of these nations will have some bearing on their future decisions, and I thank my colleague for his time this evening.

Mr. BROWN of Ohio. Madam Speaker, I find particularly interesting what the gentleman from Michigan [Mr. BONIOR] said, what the distinguished majority whip said, about rewarding those people that have been so much a part of the exploitation of Mexican workers and have been so much a part of sending American jobs to Mexico. If we pass the North American Free Trade Agreement, if this Congress passes that agreement, we have rewarded those, we are rewarding those American companies, who have left Toledo, OH, and left Lorain, OH, and Elyria, OH, and left the district of the gentleman from Michigan [Mr. STUPAK], and taken off to go to Mexico, rewarding those companies, rewarding those companies that exploit Mexican workers oftentimes from American companies and multinational companies that have disregarded any kind of human decency with the environment, with worker safety, with child labor, with all the kinds of things they have done with very, very low wages. We are also rewarding, if we agree to NAFTA, we are also rewarding the Mexican Government, those 36 families in control of 50 percent of the wealth, and I would add before yielding time to my friend, the gentlewoman from Ohio [Ms. KAPTUR], from Toledo, that the Mexican Government, the longest reigning, single, now that the Bolsheviks at the Soviet Government have fallen, that the Mexican Government is the longest reigning, single-party government in the world. No single party has ruled over a country as many years as the 65 years that the PRI, the party of the ruling party of Mexico, has, and with the corruption that surrounds one-party dictatorship is, as we have learned all of our lives about the Soviets, we see some of those same kinds of activities as the gentleman from Michigan [Mr. BONIOR] pointed out about the Mexicans and that you cannot, if you adopt their government, you cannot have free trade without free elections. You cannot have free trade without a middle class. Disagreement is wrong.

Madam Speaker, I yield to the honorable gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Madam Speaker, I thank the gentleman from Ohio [Mr. BROWN] for his ability, for his dedication and for his passion on this important issue. No one would know about freedom and free elections more than he does, having served as Secretary of State of our great State of Ohio for many, many years, and it is a pleasure for me to appear with him this evening, along with our distinguished majority whip who spoke so compassionately this evening about what this proposed executive agreement that they are calling a treaty is really about, and also to be here tonight with the gentleman from Michigan [Mr. STUPAK] who is from the upper peninsula in the northern area of his State, who has made such a contribution to the debate and who cares so very deeply, not just for the people of his own State, but for those of our country and the working people of Mexico as well.

I could not help but as I listened to some of the other speakers tonight

think what an incredible privilege it is to serve here in this Congress as people who, as we all are, are elected freely by the people of our districts who send us here. We have the great gift of free speech in this country, and here we stand in the seat of democracy, the Free World, being able to speak our minds and our hearts this evening in the Congress of the United States, and I know that elected officials in Mexico do not have this right. If they speak against the treaty or against their Government, they will not be broadcast in that country, and I am reminded of those who gave their lives to preserve our Bill of Rights, and we are here as free citizens, as freely elected citizens, as Members of this House. We are not standing outside on a rainy evening somewhere out there not being able to be heard, but, as freely elected officials of the people of the United States, we are here to fight for our constituents, and that is an honor that I shall treasure for the rest of my days.

I could not help but thinking as well, as I listened to the speakers this evening and after having read this proposed agreement several times, that there are certain words that should be in that agreement that are not, and I hope the President of the United States is listening, and I hope the Secretary of Commerce is listening, and our U.S. Trade Representative, and our Secretary of Labor, because the word "people" does not really appear in the agreement. The word "democracy" is missing from the agreement. The words "free enterprise" and "rising standards of living" are missing from the agreement. But there are plenty of words that are repeated often in the agreement, words like "investment," words like "G-7 currencies," words like "intellectual property rights," not words that you use around the dinner table every evening. That is for sure.

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I wanted to make a point that what is wrong with this treaty is not only some of what is in it, but also what is missing from it. We had such great hopes that over the last several months, with the new Trade Ambassador and a new Secretary of Labor, that perhaps some of those words and some of those concepts and some of those pillars of a true common market of the Americas could be put into the agreement.

We stand ready to work with this administration, or any administration, in laying a really strong foundation for the world of the 21st century. In many ways we feel short-changed, because we have not been given that right or that opportunity.

Last week I had the opportunity to testify before the Committee on Ways and Means of this House to talk about what is in this treaty and what is not in this treaty. If any of the listening audience are interested in that testimony, I would certainly be happy to mail it out. Just mail your note to Congresswoman MARCY KAPTUR, here in Washington, DC, in the Nation's Capitol, House of Representatives, and I will receive that request.

But before I testify, the Secretary of Labor of our country testified, a newly appointed Secretary of Labor, confirmed by our Senate. I was very disappointed in his testimony. There are several points that I want to make about that.

I read his testimony. It appears to me that he is trying to change his job title. He was sworn in as the U.S. Secretary of Labor. His job is to worry about the working people of our country, those who are on the job, those who are unemployed, those who need training to go into the work place.

He appears to me to want to change his title. In every formal statement I have seen him make he wants himself to be called the Secretary of the American Work Force. I wonder, in looking at some of the clever labeling that is being done on packaging nowadays, when he says that, does that mean that he has the same allegiance to other nations of North America, to Canada, to Mexico? When he says "Secretary of the American Work Force," since North America and South America are very large continents, exactly what does his job title change mean? I was troubled by that, and I am wondering what he has in mind.

One of the other parts of his testimony that kind of made me wonder, he basically said that the people who were opposed to this current draft, this current proposed agreement, were people who really were not experts; that in fact this who oppose this treaty were somehow mentally deficient. They did not really understand; and that in fact the experts knew what was best.

I would say to the Secretary of Labor, go back and read the Constitution of the United States. It does not say we, the experts of the United States; it does not say we, the corporate presidents of the United States; it does not say we, the stockholders of the United States. It says we, the people of the United States. Each of us is equal. Each of us has a vote. Each of us matters. It is not just expert opinion, it is public opinion. It is public experience. It is the experience of the people we know, our neighbors, our friends, and communities.

Does that not matter for something? I think every single person in this debate is an expert, and tonight I would like to read into the RECORD the opinions of people that I consider to be the true experts in this debate.

I want to read the statement of Henry J. Laird. Henry is an Ohioan. He is an expert.

Henry says:

My dislocation from the Eaton Corporation is only one of the four plant closures or downsizings that have been my misfortune to experience. I was employed there for over 5 years as a maintenance mechanic plantwide doing everything from air conditioning to plumbing, line maintenance and facility care and repair. Part of the time I did repair on the line that was shipped to Mexico. My last wage was $12.38 plus overtime.

The plant manager called a plant meeting to announce the line was being moved to Mexico around early to mid 1989.

I might parenthetically say that the reason it was moving is because back in the mid-1980's, the tariff relief started to be put into place. Mexico began removing most of her tariffs, 80 percent of which have now been removed. That is why we have seen this rush of over 2,100 United States firms down to Mexico.

Henry says:

I assisted with the breakdown and shipment of the automotive controls line to Mexico which included 4- and 5-ton presses and other related equipment. The last line to be sent there left after the plant closing was announced, displacing 75–100 workers and was gone by the end of 1990. This left a very large floor area which was used for the storage of other finished goods. When the plant closure was announced they said the reason was that there was too much floor space in the plant so this was the beginning of the end of the Eaton plant in Fremont. It became too expensive to keep the plant open when it was under capacity. Several engineers and maintenance men went to Mexico to help set up the machinery to help get them started.

What amazes me is the humility and the love of his country, of people who have been hurt in their own personal lives so much.

Henry says:

I am currently looking for work again from another partial closure. I am a veteran of three tours in Vietnam as a Navy Machinist Mate. As a single head of household with two kids at home, I am finding it tough to make my house payments. Right now I am behind 1 month on my mortgage and my health insurance expires March 31, 1992. I am basically a hard-working guy who believes in going out and finding work, not waiting for the job to come to me. Today's job market is really challenging.

In closing I would like to ask you congressmen to bring our jobs back home to America where they belong. God Bless America.

Mr. Speaker, I wanted to read a story also tonight of Linda Starr. I will end my statement this evening with her testimony. Linda Starr is from my home community of Toledo, OH. I would say to the Secretary of Labor, Mr. Reich, she is an expert.

Linda Starr says:

My name is Linda Starr, and I am here to help the American people keep their jobs. I'm a 47-year-old displaced worker who gave 24 years of hard work to Dura Mechanical components. I did assembly work, timekeeping, heat treating, forklift operator, receiving, stocking, material handler, inventory, shipping clerk, loading and unloading trucks. I learned all these jobs so I could work when things were slow, and when they started sending our best and biggest jobs to Dura Mexico for assembly.

We were told if we worked hard and received a Q-1 rating we would get more jobs,

so we did and they shut the whole plant down. We were the only Dura subsidiary that got the Q-1 rating. For what? So we could troubleshoot for Mexico. We perfected the product and they got the work.

We took concessions in our last contract to keep our jobs, but to no avail. The more we did the more they wanted.

The atmosphere between company and employees became very bitter when they announced the plant closing.

Since last December, I have sent in numerous resumes, (that's how most people are hiring nowadays), I haven't received a single response. The few places that have accepted my applications I have had the same results.

I have gone to several local colleges to seek further education, but they want me to go to school full time, without working, in order to do my best. I must work as soon as possible because I am self supportive. The only alternative I see is truck driving school because I can complete the course in 12 weeks.

They say there is no age discrimination, but I believe there is.

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And so to the Secretary of Labor I say, Linda Starr of Toledo, OH, is an expert.

As this debate begins to heat up here in Washington, I would like to say on the record that it is important that the American public be fully informed. This treaty and the side agreements total now over 2,100 pages. There is much to know. There is much to learn. There is much to understand. But once the people understand, we will win this fight in Washington, DC, to keep our jobs, to uphold our standard of living and to fight for democracy in the other countries of these Americas.

If you are interested in receiving the testimony that I presented before the Committee on Ways and Means, again, write Congresswoman MARCY KAPTUR, here in Washington, DC.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ENGLISH of Arizona). The Chair will remind the gentlewoman that remarks in debate should be addressed to the Speaker and not to those who may be viewing the proceedings.

Mr. BROWN of Ohio. Madam Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR] for, again, her very good presentation and the work she has done laboring on this, against this agreement for so many months.

Before yielding to my distinguished freshman colleague and friend, the gentleman from Michigan [Mr. STUPAK], I want to point out a couple of things, partly on what the gentleman from Michigan [Mr. BONIOR] said and what the gentlewoman from Ohio [Ms. KAPTUR] said.

There are organizations forming all over America to convince American companies to close their plants in America and move their companies to Mexico. I have a letter, that I might read briefly, from a company in Arizona that is trying to get American companies to go south of the border. It goes to a gentleman in New Jersey and it says:

Today in Mexico, one dollar buys: One hour of direct labor including the cost of the following employee fringe benefits and employer payroll taxes.

So the $1 is for labor and 14 days Christmas bonus, 7 days paid vacation, vacation bonus, seventh day pay, Social Security taxes, Federal education tax, Federal housing tax, Federal nursery tax, State taxes, and national retirement savings fund.

"Please call me at" a phone number "if you're interested in finding a hard-working, low-cost workforce less than $1/hour that is not 6,000 miles away."

That is what American employers and what some American businesses are doing to try to find cheap labor to go to Mexico. That will only get worse under the North American Free Trade Agreement.

Jorge Castaneda, a professor in Mexico who wrote this article on foreign affairs and is an expert on Mexican society said there cannot be free trade without a middle class, and the NAFTA agreement will not build a middle class in Mexico. It will just continue the exploitation of Mexican workers, drive American workers wages down, cause plant closings in the Midwest and the Northwest and the West and all over the United States, and will be a job killer, will hurt small business and will devastate communities.

Madam Speaker, I yield to the gentleman from Michigan [Mr. STUPAK], who has joined the fight early in his entire time as a Member of Congress the last 8 months and has worked hard to defeat it, a real leader in this fight.

Mr. STUPAK. Madam Speaker, I'd like to thank the distinguished majority whip, DAVID BONIOR, for once again organizing tonight's special order. Your leadership in opposing the North American Free-Trade Agreement is deeply appreciated not only by me, but by the citizens of the First Congressional District of Michigan. I am proud to stand in this Chamber once again with Representative SHERROD BROWN of Ohio, Representative MARCY KAPTUR of Ohio—together we can and will defeat NAFTA.

Madam Speaker, I rise tonight to once again express my unequivocal opposition to the North American Free-Trade Agreement. NAFTA has consistently been big news in Washington throughout this my first year in Congress, but it is only of late that the NAFTA is making the front pages of many papers outside the beltway.

This increased news coverage has caused the American people to focus on this issue. Since the August recess, many Members of this House, including myself, have begun hearing quite a bit from our constituents regarding NAFTA. In my northern Michigan district the response to this agreement has been overwhelmingly anti-NAFTA. Why is this so, Madam Speaker?

Because in Michigan we have already seen plants close and set up shop in Mexico. We've already seen our workers lose their jobs in the name of the almighty corporate dollar. We've already seen small manufacturers leave our State to take advantage of Mexico's cheap labor force.

Madam Speaker, our State's slogan is "Say Yes to Michigan," but during the next few months it should be changed to "Not this NAFTA." Although different words, both slogans carry the same meaning.

Madam Speaker, I would like to commend Majority Leader GEPHARDT on delivering a passionate, thoughtful statement last Tuesday when he outlined the reasons why he is opposed to NAFTA. Our colleague, SHERROD BROWN, was correct in pointing out that Mr. GEPHARDT has raised the level of debate concerning NAFTA, and I would like to thank him and welcome his support to defeat NAFTA.

I agree with the majority leader's assessment that our goal for a free-trade agreement should be to raise the standard of living for both American workers and Mexican workers. And, unfortunately, this agreement falls far short of reaching that goal of helping all workers that will be dehumanized by NAFTA.

As other Members and economists have noted, Mexican workers have increased their productivity by more than 30 percent since 1980, but their real wages have fallen by 32 percent. Economists tell us that wages for workers and productivity should increase at roughly the same rate, but in Mexico, as the statistics indicate, this is not happening. The reason for this trend is because the Mexican Government has sold out its people so their economic elite can profit.

The Mexican Government, which some have called a totalitarian government, refuses to allow its workers to have fundamental rights—the right to strike, the right to assemble, and the right to bargain collectively. Without these rights, Mexican workers will continue to have no bargaining leverage with management. With no bargaining leverage, there will be no improvement in Mexican worker's wages.

This is concerning to me not only from a human rights aspect, but also because it refutes one of the major arguments put forth by proponents of the NAFTA. Their argument is that under NAFTA the disposable income of the Mexican worker will increase, and this will lead to Mexicans buying more American products. But clearly, this argument is flawed.

This agreement will do nothing to increase the purchasing power of the Mexican worker. Tariffs between Mexico and the United States have declined during the last decade, but this has not caused the purchasing power of the

Mexican worker to increase. Unfortunately, this NAFTA will do nothing to change that.

Yes, the United States does have a trade surplus, but much of that trade surplus comes from capital and intermediate goods. Capital goods, the equipment that goes into a factory for its operation, accounted for 24 percent of United States exports to Mexico in 1992. And intermediate goods, parts—for example, auto parts—that must be assembled to form a consumer product accounted for 61 percent of United States exports to Mexico in that same year.

This export market to Mexico, which in 1992 accounted for 85 percent of our exports, is a limited windfall. Once we've sold Mexico enough goods to equip its factories and build its own intermediate goods, that export windfall in trade surplus will diminish.

There is another troubling piece of the economic puzzle concerning NAFTA. NAFTA will erase the tariffs between Mexico and the United States. The Congressional Budget Office has estimated that tariff duty losses from NAFTA will total $214 million in fiscal year 1994 and a total of $2.53 billion over a 5-year period.

This loss in revenue will have to be replaced. Offsets for that revenue loss can only come from increased taxes or lower entitlement spending covered under the pay-as-you-go portion of the 1990 budget agreement and the recent deficit reduction package. If implemented, it will be up to the American people to cover the tariff offsets by paying more in taxes or have important social programs cut. Is it fair to ask the American people to pay more or receive less to jump start the Mexican economy?

Besides the $2.53 billion in tariff revenues, we will also have to come up with $40 billion in start-up costs for the NAFTA. Earlier this year we couldn't pass a $16 billion economic stimulus package for this country. How can we now, in good faith, vote for a $40 billion economic stimulus for the Mexican economy? The answer is we can't.

Any way you look at this NAFTA—whether through the eyes of an American worker, the eyes of a Mexican worker, or the eyes of a fiscally responsible legislator—this agreement is a bad one. I am not against free trade, but I am against this agreement, which was hastily negotiated and does nothing to protect the American worker, the Mexican worker, or the American people. I urge my colleagues and the American people to oppose this NAFTA.

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman from Michigan [Mr. STUPAK]. In the last minute or so, I would like to wrap up again, and again thank the gentlewoman from Ohio [Ms. KAPTUR] for her leadership, the gentleman from Michigan [Mr. BONIOR], the majority whip, and my freshman colleague [Mr. STUPAK], for his good work on NAFTA.

The fact that people here want to enact a new Government program that is going to cost $40 billion or $50 billion is just amazing to me. All the arguments against NAFTA, it will cost jobs, it will be a job killer, it will hurt small business, it will devastate communities, those arguments should be enough.

However, if they are not, for those Members of Congress that really are serious about dealing with the Federal budget, really care about Government spending, really care about getting our fiscal house in order, how we can face the voters and say, "We want to enact a new $50 billion Government program," is beyond my comprehension.

I again thank my colleagues for joining me tonight. I urge, certainly, the American people also to write their Members of Congress in opposition to NAFTA.

NAFTA WILL BENEFIT BOTH AMERICA AND MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Madam Speaker, I had not planned to be here this evening, but votes went on and I missed the last nonstop flight to Los Angeles. I was in my office, assuming that my colleagues on the other side of the aisle would be focusing on the health care reform package that was discussed last night here by the President, and I was rather surprised to hear my two friends, the gentleman from Michigan [Mr. BONIOR] and the gentleman from Ohio [Mr. BROWN], proceed to talk about the North American Free-Trade Agreement, basically attacking one of the top priority programs that President Clinton has.

I hesitate to stand here, as a Republican Member of the House, countering my Democrat colleagues. I happen to be a very strong proponent of the North American Free-Trade Agreement. I believe that it is the sole program that President Clinton has embraced which will create jobs right here in the United States of America.

When I heard my colleagues proceed to talk about the situation as it exists in Mexico and the problems that they foresee with the implementation of a North American Free-Trade Agreement, I could not help but come over here to the floor to try and respond to a few of the items; and quite frankly, Madam Speaker, to talk about the politics of the North American Free-Trade Agreement.

It is fascinating that over the past several months those who have opposed the North American Free-Trade Agreement have really been center stage. They have worked through organized labor, through a wide range of other organizations, associating themselves with Ross Perot, Jesse Jackson, Jerry Brown, Pat Buchanan, and others, trying to lay the groundwork to defeat the North American Free-Trade Agreement.

Last week we saw, as the gentleman from Michigan [Mr. BONIOR] mentioned, in the editorial that he referred us to today, a little while ago, three former Presidents unite with President Clinton, demonstrating their strong support for the North American Free-Trade Agreement.

Madam Speaker, I should add in response to the editorial which was critical of the three former Presidents, saying that they had been drummed out of office because of weak economic policies and other things, that there are others who have strongly supported it. Ronald Reagan recently wrote an editorial in the Wall Street Journal in strong support of the North American Free-Trade Agreement, and former President Nixon, who is recognized as a paramount expert in international policy, has strongly supported the North American Free-Trade Agreement.

As we look at this issue, yes, I am a Republican, and the four people our colleagues have heard from for the last hour are Democrats, but I stand here with many Democrats who strongly support this package, the most prominent of which is the President of the United States, Bill Clinton, who last Tuesday in the White House provided some very eloquent remarks about the importance of diminishing trade barriers and creating opportunities for us to export United States-made products not only to Mexico, but ultimately to the rest of Latin America.

My colleagues provided a wide range of arguments, and I will say, Madam Speaker, that there are many things about Mexico that they describe which, frankly, are accurate. They talked about the fact that many jobs in their States of Ohio and Michigan over the past several years have fled to Mexico. They have talked about the environmental problems that exist in Mexico. They have talked about the plight of impoverished Mexican people, and most of the things that they have referred to are accurate, right on target.

The thing that needs to be remembered, Madam Speaker, is that this is the situation without NAFTA. One would conclude from the devastation to which they referred that the North American Free-Trade Agreement created the problems that have existed in Mexico for the past 60 years, since the Free Party took control under Mr. Cardenas in 1929. I hasten to remind my colleagues that in 1929 there was not a North American Free-Trade Agreement. In fact, as we sit here in September of 1993, there is not a North American Free-Trade Agreement.

I agree, many horrible things have happened in Mexico during the past 60 years, but since 1987 there have been many dramatic improvements which have taken place in Mexico. I would like to take just a few minutes to talk about some of those.

In the early 1980's, there was a move by then President Jose Lopez Portillo, and he did it, to nationalize the banking system in Mexico. That, obviously, was something that was counter to the wave of the late 1980s, as we have witnessed a privatization move toward free market in Eastern and Central Europe, the rest of Latin America, the former Soviet Union, the Pacific Rim, and other parts of the world.

We saw that nationalization of the banking industry in the early 1980s in Mexico fail. It failed because it created a horrendous debt crisis. It failed because it lowered the standard of living of the people of Mexico, and as the majority leader said yesterday in his statement, we did see a decrease in wages in Mexico, but some changes took place in the mid-1980's, and I mentioned a moment ago 1987.

Let me say what happened. Mexico in the latter part, the middle 1980s, actually, under President Miguel la Madrid, in 1986 joined the General Agreement on Tariffs and Trade. That is an organization which the United States participates in actively, and for 7 years they have involved all of the countries who are members of GATT, the General Agreement on Tariffs and Trade, who have been working to bring about an agreement that will reduce trade barriers here.

That started the positive improvement in the economy in Mexico. Then in 1987, under the new President, President Carlos Salinas de Gortari, very bold and dramatic moves were made toward privatization, toward improvement in markets, expansion of markets, and that has been probably the boldest and most dynamic and positive move that has taken place in this 60-year period of one-party control, the Institutional Revolutionary Party's control of Mexico.

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What we have seen in the past several years is improvements all the way around in Mexico.

Tragically, my colleagues who oppose NAFTA like to say that we have this major corruption that exists in Mexico, and we hear people rarely talk about the fact that this system in Mexico is the best form of dictatorship because it looks like a democracy.

Well, they must look at present history. And I am referring to the things that have taken place since 1987. Madam Speaker, there has been an explosion of political pluralism and political opportunity and freedom in Mexico since 1987. Let me take just a moment to talk about the fact that the opposition party, the PAN party, one of the major opposition parties in Mexico, the National Action Party, has won scores of mayorships and has won gubernatorial elections in Mexico. Now, they do not proceed to tell you that. But obviously we have seen greater democratization take place.

It is perfect in Mexico? Absolutely not. And am I going to stand here as an apologist for everything that takes place in Mexico? Of course not. But I will stand here and say that as we have seen greater political opportunities exist in Mexico over the past several years, we have also seen a dramatic improvement in the economic plight of the working people of Mexico.

Let me underscore that again. Contrary to the words that we have heard as we look at 1980 juxtaposed to 1993, when there were problems in the early 1980s, we have seen in the past several years improvements in the standard of living and the wage rates of workers in Mexico.

Let me say that as we look at this challenge of trying to pass this agreement, I am not going to say that it is a perfect agreement. Virtually everyone on the other side of the aisle who spoke in opposition to NAFTA tonight said, and will continue to say, I support free trade and I would like to see a North American Free-Trade Agreement, but not this NAFTA. This is not the NAFTA that we should have.

I would say, Madam Speaker, that as we look at the laborious negotiating process which went on, this was started really in the late 1980s, and President Bush talked about it actually before that. The former Ambassador to Mexico, John Gavin, a friend of mine in Los Angeles, talked about the idea of reducing trade barriers. My colleague from Arizona, JIM KOLBE, and I, and others, joined in calling for reducing trade barriers with Mexico. This is something that has been pursued for a long period of time, and we have been able to put together this agreement not only for the NAFTA, which was initialed a year ago last month by President Bush among the countries of Canada, the United States, and Mexico, but we also saw these side agreements put together with our great United States Trade Representative, Mickey Kantor, and others in the administrations in both Canada and Mexico.

Now as we look at this group of opponents to NAFTA I say to my colleagues on the other side of the aisle who have said we would like to support a North American Free-Trade Agreement but not this one, I challenge them to come up with an agreement which will have the support of Ross Perot, Pat Buchanan, Jesse Jackson, Jerry Brown, and others who come from all sides of the political spectrum, and frankly have differing concerns on the North American Free-Trade Agreement. Come up with an agreement that we can put together that will ultimately bring the tariff rates between the United States and Mexico and the United States, Mexico, and Canada to zero, which is what this does over a 15-year period.

My friend from Toledo, Ms. KAPTUR, spoke a few minutes ago about the fact that this is a 2,100-page agreement. She is right. Do you know the reason that it is so long, Madam Speaker? The reason is that there are so many tariffs that exist today on a wide range of goods and services among these three countries that it was necessary to have this package put together.

I find it very interesting that my colleagues from Ohio and Michigan, and those were the two States represented here this evening in opposition to NAFTA, come from States which are benefiting greatly from the prospect of implementation of a North American Free-Trade Agreement, and they are benefiting greatly today because of the privatization in Mexico which has brought about this tremendous surplus in trade with Mexico. As has been said time and time again, in the 1986, 1987 area we ran nearly a $6 billion trade deficit with Mexico. Basically, we were buying $6 billion more in goods than they were buying from us. Since this privatization under President Salinas has taken place over the past few years, we now have observed that there is a $5.4 billion trade surplus that has developed. Basically, the poor people of Mexico who cannot afford to buy anything have ended up buying $5.4 billion more in goods from the United States than we have purchased from them. So it seems to me that as my friends from Michigan and Ohio look at this they should realize that their States today are benefiting from the privatization and changes which have taken place in Mexico.

My friend, the distinguished whip, has rarely talked about the fact that he drives back to Michigan and sees plants that have closed down. Again, we have all witnessed that sort of thing. But over August I drove back here through that part of the country and have seen economic growth which has taken place, and there are many very good examples.

Our new colleague, Mr. STUPAK, talked about the problem in the auto industry. The penalty in the auto industry for United States-manufactured automobiles to be sold in Mexico is very great. It is very high today. In fact, it is so high that we only sell 1,000 United States-manufactured automobiles in Mexico per year. Projections are that within the first year of implementation of the North American Free-Trade Agreement, because that tariff barrier will be reduced in the first year, we will see a sixty-fold increase in the number of United States-manufactured automobiles to Mexico. We will basically see us go from 1,000

automobiles per year to 60,000 in the first year alone.

And I was struck when I heard my friend from Michigan talk about the problems in the auto industry. I went back and I looked, and this is a USA Today editorial which was mentioned earlier by my friend from Michigan [Mr. BONIOR]. I think it is important to look at the Money section of USA Today, and the type of item here, which is right at the top says:

NAFTA would create 15,000 auto jobs in the USA, Bill Hoagland, GM executive vice-president, predicts. He says if Congress approves the North American Free Trade Agreement, the Big Three U.S. automakers will increase auto exports by 1 million autos in the first year, well beyond the 60,000 figure that we have heard. That equals 50,000 jobs at automakers and their suppliers, he says.

One million autos in the first year.

Now, it is very important for us to look at how people have already recognized the benefit right here in the United States. We have underscored the fact that earlier this summer an announcement was made by General Motors and the United Auto Workers that a plant that is building Chevy Cavaliers is moving from Mexico back to Lansing, MI. Why? Because, well, my friends on the other side of the aisle regularly talk about this very low wage rate in Mexico, but the fact of the matter is, General Motors came to the conclusion that the United States autoworker was seven to eight times more productive than the autoworker in Mexico.

Michael Kinsley did a recent editorial in the Los Angeles Times in which he pointed to the fact that the United States of America cannot expect to pay $16 an hour to workers who are going to see the same work being done for $3 an hour in Mexico. The fact of the matter is we have got to realize today we are much more productive. We are hoping that Mexican workers are going to become more productive, because this clearly is a win-win situation for the United States and Mexico.

I will ask my colleagues, tell me, what benefit is there to the United States of America in having a poor southern neighbor? The fact of the matter is there is no benefit whatsoever.

I want to see Mexico's economy improve. I do not want to see Mexico's economy improve at the expense of the United States economy, because of course my first concern are the workers whom I represent in southern California where we have a 9-percent unemployment rate, and many serious economic problems. But I know that we can enhance the economies of both Mexico and the United States. And what does that do for us? What it does is it takes those 88 million consumers in Mexico and enhances their opportunity to purchase United States-manufactured goods. As their standard of living improves, what will be one of the top things that they will insist upon? Improved environmental standards, which is another concern that many of us have.

□ 2010

Where is it that we see the worst environmental standards on the face of the Earth? In Third World countries, in the poorest nations. In stronger economies there is an insistence by the people for an improved environment. And then, of course, we must ask once again—and I want to see political pluralism expand, I want to see greater, freer, and fairer elections take place in Mexico—but as the standard of living improves in Mexico, clearly we will see an even greater degree of political pluralism. So as we look at these issues, Madam Speaker, it is very apparent that benefits are going to be accrued on both sides of the border.

Now, I am always fascinated by many of these people who are opposed to NAFTA who have a tendency to engage in Japan bashing too. They like to point out the fact that we have very strained relationships with Japan. But when you think of it, why is it that they criticize Japan so? Criticism is leveled toward Japan for a major reason: They do not allow the United States of America to sell its goods and services in their country without a horrendous tariff barrier and other barriers that exist.

So it would seem to me that my colleagues who are so virulently opposed to Japan's policy and are concerned about our relationship with Japan and the fact that they do not open their border, do not reduce their barriers to trade for us—and, by the way, I should say we are working on that. I am trying to get a United States-Japan free trade agreement introduced so we can diminish those barriers and increase export opportunities for United States goods to Japan. But right now those who are so virulently opposed to Japan's policy of keeping our goods out should be ecstatic at the prospect of a North American Free-Trade Agreement because the average tariff on United States-manufactured goods going into Mexico today is 10 percent. The average tariff on Mexican goods coming into the United States is only 4 percent. Now, Madam Speaker, that is a 2½ times differential. In fact, Mexico has a 2½ times advantage over us today. But with the implementation of the North American Free-Trade Agreement, we will take that 10-foot wall that exists on their side and the 4-foot wall that exists on our side and bring it to zero.

Now, those who are so critical of Japan's tariff barriers should be on cloud nine at the prospect of United States autoworkers selling, as Bill Hoagland of General Motors has said, 1 million autos in the first year, creating 15,000 jobs in the auto industry, among the automakers and suppliers.

So I say to my friends, Madam Speaker, who are so opposed to the North American Free-Trade Agreement and critics of Japan, look at the details.

One of the things I believe that has been said is that when the American people hear the facts and find out what exactly is happening here, they will be opponents. I disagree. I believe that when the facts come out, we will find overwhelming support for a North American Free-Trade Agreement. They have controlled the debate for the past several months. But what it has been, Madam Speaker, is really fear versus facts.

The facts are on our side. One of the problems we face in southern California, it seems to me, can be addressed. When we earlier this year, just a couple of months ago, were debating the Commerce, State, Justice appropriations bill, California Democrats and Republicans stood up to talk about the need to increase the Border Patrol. This House voted to transfer $60 million that is going to be expended for increasing the Border Patrol. I supported that. I support toughening up our border patrol.

But, Madam Speaker, it seems to me we have to get to the root, the root of the problem of illegal immigration.

Now, I ask rhetorically over and over and over again, why is it that someone in Mexico flees Mexico and comes to the United States? One very simple and basic reason: economic opportunity. Economic opportunity is what they are seeking, whether it is a Government service which is provided for health care, welfare, education, these items, or a job opportunity. That is what they are seeking. They are looking for a better life.

Now, most every Californian knows someone who has been in the United States illegally and sent money back to their family in Mexico. They do not want to leave their families in Mexico, but they have to, for economic survival.

Well, under the North American Free-Trade Agreement, we clearly are going to see economic standards in Mexico improve. It strikes me that as that happens, we will clearly see a diminution of that flow of illegal immigration across the border.

I should say parenthetically that hand in hand with that we should eliminate the unfunded Federal mandates whereby the Federal Government forces my State of California and other States to provide education, welfare, heath care, and other Government services to people who have entered the United States illegally. We should end that. It is costing California taxpayers $3 billion a year.

So it seems to me, Madam Speaker, that what we should be doing is ending

the magnet of those programs which are provided that we impose on the taxpayers of California to provide, end that, and at the same time implement the North American Free-Trade Agreement so that we can improve the standard of living and job opportunities within Mexico.

Now, over the next couple of months there will be charge after charge leveled, but I think it is important for us to underscore the fact that this is a bipartisan cause; Democrats and Republicans alike support this plan.

I have been a longtime supporter of the North American Free-Trade Agreement. The reason I am standing here tonight on this issue is that Bill Clinton last Tuesday gave a very strong and moving statement in support of the North American Free-Trade Agreement. I can sympathize with many of my Republican colleagues who have said, "My gosh, if the President of the United States can't get enough Democrats to join on board in support of this, we are not about to give him that strong victory." I can sympathize with that concern. But I will say from having talked to the President about this, he is strongly committed. I say that as a Republican. He is strongly committed to implementation of the North American Free-Trade Agreement.

I have said that I want to do everything that I possibly can to assist him in this. Why? Because he recognizes, as President Bush recognized when he launched this package and as all the other former Presidents recognize, that the wave of the future is to diminish barriers.

Now, I think one of the things we need to look at too is the prospect of what could happen with the defeat of NAFTA. I am not one who likes to predict gloom and doom; in fact, I am one who seems to be always able to find a silver lining in a dark cloud. But we have, over the past several years, witnessed extraordinary improvement in our relationship with the countries of Latin America. We have observed the European Community come together in a free-trading bloc. We have observed countries in the Pacific rim diminishing barriers as they come together with free trade. It would be absolutely ludicrous and, I believe, tragic for the United States of America to stick its head in the sand and try to stand alone, ignoring our neighbors to the north and our neighbors to the south.

Now, I have had the opportunity, since I have been a Member of Congress, especially during the 1980's as we were dealing with the very challenging and difficult situations that existed in El Salvador, Nicaragua, Panama, Guatemala, Honduras, countries in South America, to observe the fact that these countries desperately want to improve their ties with this hemisphere.

What they have done is they have moved throughout the 1980's and up to today toward democracy, political pluralism, free markets. Now, as we argue on behalf of reducing the regulatory burden on the business sector of the economy—and last night, right behind me, President Clinton talked about reducing the burdensome regulation and paperwork imposed on those who are health care providers in this country. Now, as we work to try to decrease that regulatory burden all the way across the board, we have encouraged the other countries throughout this hemisphere to do the same. And now the ultimate barrier that prevents the free flow of goods and services is one that we are trying to bring down so that we can strengthen our ties with the other countries in this hemisphere, and that, of course, is the North American Free-Trade Agreement.

□ 2020

What we need to do is realize that our countries there have already asked the United States to begin a negotiating process for a free trade agreement. I am speaking, of course, of Chile which for a long period of time has been wanting to embark on a free trade agreement with the United States.

When I have been, not long ago, in Central America and talked with people in El Salvador, for example, they are very strongly supporting the North American Free Trade Agreement. Why? Because they know that ultimately opportunities for economic growth and expansion of their goods and services and their opportunity to purchase U.S.-manufactured goods and services will be enhanced as trade barriers come down.

Now, Madam Speaker, I should say that our friends in Japan would love to see the North American Free Trade Agreement defeated. I have been talking about the Americas. Well, if the NAFTA is defeated, clearly Japan will seize the opportunity to embark on a free trade arrangement with Mexico.

And what does that mean? What it means is that Mexico will become an export platform for Japanese products. NAFTA ensures that that will not happen. NAFTA has tough rules of origin requirements, and we will have an opportunity to strengthen our ties here, which is what we should do.

As we look at the wave of the future, the fact is that the Berlin Wall has come down, the fact is that we have seen the explosion of satellite technology, cellular telephones, fax machines, and tomorrow night in Los Angeles I am going to be addressing the graduating class. They are expecting about 1,500 people, I am told, at ITT Technical Institute, and these are people who are involved in the exploding technological advances of the future.

As my colleagues know, I look at our State of California. I was told last night by my former State senator, Bill Campbell, who is the president of the California Manufacturers Association, and I had heard this before, but he reminded me last evening that IBM has indicated that they will have little choice but to move to Mexico another plant if NAFTA is defeated. If NAFTA passes, they will be able to maintain their employment base in California.

It is very simple. The tariff that exists today on computers going from the United States into Mexico is roughly 20 percent, and IBM knows that they want to be able to take advantage of those 8 million consumers in Mexico, many of whom are interested in getting further into the computer area. Well, the only way that they can do it under the status quo of the present situation is to move to Mexico, open up a plant in Mexico. But the people with IBM, who as we all know are struggling, have said, if we can pass a North American Free-Trade Agreement, they would not be required to move from the United States, giving up jobs in the United States, and moving to Mexico because that 20 percent barrier, tariff barrier that exists today, will drop to zero.

So what does that mean? It means more jobs will be created here in the United States, and we will have greater opportunities there, and, as the economy further improves, we will see a benefit all the way around.

Madam Speaker, it seems to me that the debate is going to be going on and on and on and on for a long period of time, and we have people on both sides of the aisle who oppose this.

I am particularly privileged on this issue to be working very closely with President Clinton, with my Democrat colleagues who are actively pursuing this, the Speaker of the House who is a strong supporter of this, and on the Republican side, many Republicans have been working diligently on this, and we are coming together.

Those who are supporting NAFTA are supporting a view toward the future and a view toward improving the standard of living for the Americas on both sides.

Many people have said that we should not put into place NAFTA now because of the economic problems that we have in the United States and in my California. I will say, Madam Speaker, that now is the time to encourage and expand opportunities for job creation and my devastated State of California, and NAFTA is the best opportunity to do that, and I hope very much that, when this vote approaches in the next couple of months, that we will see our colleagues stand together and vote with the future in support of diminishing trade barriers and creating job opportunities right here in the United States of America.

NAFTA

The SPEAKER pro tempore (Ms. ENGLISH of Arizona). Under a previous

order of the House, the gentleman from California [Mr. HUNTER] is recognized for 30 minutes.

Mr. HUNTER. Madam Speaker, I have had a the privilege to listen to my good friend, the gentleman from California [Mr. DREIER], who as a fellow Republican, is on the other side of the issue here, and I have also had a chance to listen to a number of other speakers today who have talked about NAFTA, about the North American Free-Trade Agreement and the problems that we see with the agreement. The gentleman from California [Mr. DREIER], my good friend, has talked in his optimistic way about the promise that he sees in this agreement. But let me just say as a Republican, a Member who has many customs brokers in my district and who theoretically should be foursquare for NAFTA because of my geographical location, having most of the Mexican border in my district in California and being interested, of course, in good business deals, that it is supposed to be the Republican idea, that good business is good for the country, that it produces growth, and jobs and quality of life. I have to tell you that I have looked at the agreement, and the agreement is not a good deal for the people of the United States of America.

Madam Speaker, I think, if my colleagues will look at the deal and if they will look at the statement that the advocates have made, it is fairly easy to take these statements, and take some of the facts that are the foundation for the statements, and simply pull them apart like peeling an onion and finding that there is not a lot left to substantiate the position of the pro-NAFTA forces, and let me just start out.

First, it is true that we have a wall of tariffs with respect to our goods going into Mexico that is about 2½ times the 4-percent wall that we have on the average against Mexican goods coming into the United States. On the other hand, if you are a businessperson, and you are looking to get into a market, and you are looking to get a reciprocal agreement with someone who is going to buy your goods, you just do not ask what the tariffs are. You do not ask how high the wall is. You ask what is on the other side of the wall.

Well, when you look at what is on the other side of the wall, you are trading access to the American market which is huge, the richest consumer market in the world. That is what is on our side of the wall, and you are trading that for a consumer market on the other side of the wall that is in Mexico which is roughly the size of San Diego. The reason it is so small is because the average Mexican worker makes about $2,500 a year.

Now let me explain why we are not getting a good deal in this NAFTA agreement, and first let us make sure everybody understands: This is not a philosophical exchange, this is a business deal, this is an investment deal, and you have to look at the provisions of the deal. You cannot simply meet it with broad platitudes about growth and global responsibility and all the good promises that you see in the future. You have to look at getting real assets in return for the real assets that you give away.

To some degree, if you listen now to President Clinton's flowery speech that he made at the White House to President Carter, that economic expert with his forgetting about his 21 percent interest rates; if you listen to their statements, they are full of platitudes, generalities, world growth, economic growth, as a result of a global market and reciprocity.

□ 2030

They say it is not a zero sum game. Well, if you are a businessman and you lose all your money, it is a zero sum game.

So let us look at real facts. On the Mexican side of the border you have the average Mexican citizen with about a $2,500-per-year income. That is all he has to spend—not just on American goods, but on enough food, blankets, and shelter to keep him and his family alive. So he has $2,500 a year, about eight bucks a day, to live on.

Now, the prospect, the idea that the academicians and the politicians who favor NAFTA give, that are expounded in the arguments that we are hearing in the last several weeks, are based on the idea that we are going to give Mexico a market in the United States by pulling our tariffs down. We are going to make Mexico investment friendly. And that is very true. This treaty makes it very, very tempting to move your factory to Mexico.

Then Mexico workers, because of the law of supply and demand, as more and more of them are needed to fill the burgeoning factories, pretty soon the law of supply and demand will drive up their wages. When all of the machinists are taken, soon machinists' wages will go up, and you will see these people making $2,500 a year go up to $25,000 a year, or $15,000 a year, some area in which they can then become a real consumer of American goods. That is the theme.

Now, let me tell you why it is not going to work and why the treaty is a doomed treaty to start out with. In the first place, the Salinas government is asking companies from around the world to invest in Mexico. The biggest thing they are promising them, and I have got some of the advertisements right here, official Mexican Government advertisements, the hook in all of the advertisements is cheap labor. Not only cheap labor today, but a guarantee that you will have cheap labor. If you invest in Mexico, you can count on it for a long time to come.

Here is one ad. It shows a businessman in his vest, his tie, and he is in a pensive mood. He is asking this question: "I can't find good loyal workers for a dollar an hour within 1,000 miles of here." And the answer from the official Mexican Government advertisement: "Yes, you can; in Yucatan."

You turn the page and you see another advertisement. Again, an American executive: "I can't keep my labor costs down. My turnover rate is high and my standard of living is high." There he is, trying to figure out what he is going to do with his company, which presently is based in America, employing Americans. The answer is: "Yes, you can; in Yucatan."

So the point is, if you go to the seminars, if you listen to these facilitators that are asking American companies to go to Mexico, the big hook is cheap labor.

So Mr. Salinas, through the arm of the Labor Party, the CTM, which control labor policy in Mexico and keeps labor artificially suppressed in terms of wages, is turning to the international investment community and saying, "If you put millions of dollars in Mexico, you can count on cheap labor. I will keep those rates down."

He cannot then turn to the United States and say, "Well, I know you folks have to count on our wages coming up, because right now we cannot buy much of anything. So believe me, wages will come up at some point in the future, and those $2,500 a year people will be making $25,000 a year. And, yes, they will be buying Ford Tauruses from Detroit workers." He cannot say both things at the same time.

Now, the interesting thing about this whole argument about wages in Mexico is this: The people who oppose NAFTA, like myself, do not say anti-Mexican things with respect to labor. We in fact compliment Mexican labor, because Mexican labor should be complimented. There are a lot of myths that are being spread about Mexican labor in this debate.

One of those myths is that Mexican labor is not productive. I saw one of the rebuttals to one of our conferences the other day, and it was the gentleman from California [Mr. MATSUI], I believe, who said, "We all know that Mexican workers are only about one-fifth as productive as American workers."

That is not true. If Mexican workers have top-notch equipment and have good training, Mexican workers are very productive.

Let us not just say that, let us prove it. Let us look at the plant in Hermosillo, Mexico, where the Ford automobile company has built what I call an experiment in the productivity of Mexican workers.

They put in first-class equipment. They hired 2,000 workers. They gave them good training, because you can

give people a lot of training when you are only paying them $1.63 an hour. You can only give them a week or two of training in the United States. You can give them 4 months of training for less money than you spend for a week or two of training in the United States.

If you give them top-notch equipment, which they did in Hermosillo, Mexico, what do you find? That is a plant that has a capability of building 165,000 units, vehicle units per year.

Let me tell you what you find. When J.D. Powers and Associates, one of the most prestigious automobile efficiency and production experts in the world, rates plants, and goes through 46 plants in Mexico and the United States, including leading Japanese companies, what do they find? They find that the Ford plant in Hermosillo, Mexico, ranks sixth out of 46 North American assembly plants, beating a number of leading American and Japanese plants. So that experiment is over.

Now, you will find exactly the same thing in the Chrysler plant in Toluca. You will find that in the Nissan plant in Aguascalientes, several hundred miles north of Mexico City.

In that plant they have achieved the lowest number of defects on engines checked at the end of the line of any of the company's plants worldwide. That means of all the Nissan plants in the world, the one north of Mexico City had the highest quality.

Nissan then announced that the Mexican plant will produce all engines for the United States-assembled Altima, which is one of the company's most important products in the hotly competitive United States market. The company projects engine exports will reach an annual rate of 120,000 by late 1993.

That does not sound like nonproductive Mexican workers, who are only going to take low-end jobs, to me. That sounds like sharp, bright, energetic people, who have good middle-level management and who have an excellent educational machine.

Let us talk about education a little bit, because that is part of the equation in productivity. You hear these platitudes from the free traders and pro-NAFTA people that say, "Well, if labor was the only thing in the world, how come Haiti is not the manufacturing powerhouse?"

Well, of course, Haiti is not a manufacturing powerhouse, and never can be, because they do not have good middle-level management, because they do not have good education, because they do not have a stable political situation.

But Mexico has all of these things. Mexico is graduating about 200,000 people a year in its vocational schools, and its vocational schools are darn good. It is going to have about 362,000 engineers in its schools. That is almost as many as the United States has.

Those people are well-educated, to go into high productivity, high-technology, industrial work, funded by investments from North America and around the world, and produce excellent, excellent products.

Hermosillo switched over to building a new more intricate model of the Ford Escort and Mercury Tracer in 1990. This was as their productivity began to rise. In most cases the productivity of these experiments by American automobile makers rose within 2 or 3 years after opening the plant, and rose to 70, 80, and 90 percent of the productivity of an American worker.

After their productivity began to rise, they invested $300 million in expansion and changeover. It was at the end of 1992 that J.D. Powers placed them sixth out of 46 automobile plants in North America in terms of quality.

□ 2040

Now, in the case of machine yield, which is a very important aspect of performance and quality, in one American plant in Mexico, over an 8-year period, 1983 to 1991, the Mexican plant attained 89 percent of the productivity of a United States plant.

In the last year of production on the same engine, it attained 97 percent of the productivity of the American plant. Remember this, these are workers that are working for a buck 63 an hour, and they are competing against workers that are being paid over $25 an hour, fully loaded.

Now, if you have got a worker who is a high-quality worker, highly productive, wins international awards for quality and he will work for one-seventh, one-eighth, one-ninth the price of a worker in another area, you do not have to be a rocket scientist to decide where you are going to send your manufacturing.

Now, Mickey Kantor was on a show the other night, the "Larry King Show." And somebody called up in the middle of the show and asked a question about automobiles. It was an automobile worker who was a little disturbed. He had heard they were making a few automobiles in Mexico. And Mr. Kantor answered, "Don't worry. When NAFTA passes, we are going to be able to sell 60,000 automobiles."

He said the same thing that the gentleman from California [Mr. DREIER] just said. He said we only sell 1,000 now. We will be able to sell 60,000 when this thing passes.

My colleagues, the Big Three are making and exporting from Mexico to the United States right now 250,000 automobiles a year. That means even if we go up to 60,000, we are going to have a 190,000 automobile deficit.

Mexico is the biggest exporter of engines. That is interesting, listening to people who are pro-NAFTA who say, "Don't worry, Mexican workers are only going to take low-level jobs."

The most sophisticated engines in the world are well-produced in Mexico, about 1.2 million units a year. And all of these plants, whether it is Nissan or Chrysler or Ford, are ramping up to produce more and more. They are doing a darn good job.

Now, people may say that is OK. You have got productive workers and now, as that productivity goes up in Mexico, those people are going to earn more than $2,500 a year. And they are now going to be buying American products. We will sell them something. Maybe we will not sell them a car, because they can make their own, but we are going to sell them something.

And we all know, because we listen to these economic professors, that the law of supply and demand in a perfect environment, even with respect to labor, pushes prices up, wages up ultimately.

That means when you hire all the machinists or 95 percent of the machinists are hired, and they are tough to find, they become in demand. And the machinists can command more in terms of wages.

Let us look at the experiment that we have seen with respect to the link in Mexico, and this is very critical, the link between wages and productivity.

When the Maquiladora plants—those are twin plants—were first planned for Mexico, those experts, those academics told us two things would happen.

They said, first, Maquiladoras, when they come into style and they employ a lot of Mexicans, we are going to see wages rise in Mexico dramatically. And when that happens, what are you going to see? You are going to see a radical reduction in illegal immigration. That was about 1980, when those academics said that and pushed the Maquiladora operation.

Let me tell you what has happened since 1980. No. 1, real wages have gone down. That is not a misprint. You did not mishear me. Real wages in the Maquiladoras have gone down in the 13 years since 1980. They have gone down about 33 percent. Productivity has risen like a rocket. Mexican workers are hard workers. They are well-educated. They are well-managed. They do a good job in Maquiladoras.

They are about 80 percent more productive. They are 33 percent less well paid. So you have got a nightmare for the American blue collar worker. He has got a gentleman on the other side of the border who is capable of taking his job but is not capable of buying his product.

So what happened? The professors projected that wages would go up, illegal immigration would go down. Wages have gone down, contrary to what the professors said. And illegal immigration has gone through the roof, contrary to what the academics, the professors said.

The professors tell us this time they think they have really got it right, and they can predict what is going to happen.

One commonsense statement that you might ask yourself, if you are a businessman or a worker, is this, if Mexico has been poor, relatively poor with a very low per capita income for this entire century, and we only have a 4-percent tariff barrier with Mexico, the United States is not a bad neighbor. We do not invade them. We do not raid them. We are not mean to them. Why has not Mexico become prosperous? Is it really that 4 percent tariff barrier that the gentleman from California [Mr. DREIER] talks about?

Is it because we did not have a free-trade agreement with Mexico that they are not prosperous? Is that why people travel thousands of miles to come to the United States for a job? I do not think so.

I think if you look at Mexico, what they need is a solid dose of freedom. That means they need to have two parties with a political balance that is split, where you do not have to be a member of the PRI to buy or sell, to locate a plant, to have a labor dispute, to do any of the things that we do in the free America with respect to capital management and labor.

When they have economic freedom and political freedom in Mexico, they are going to do pretty good. Until they have that, we cannot count on a totally pure environment of supply and demand to drive up Mexican wages.

Now, it has been pointed out a number of times about what happened when Mexican wages, when labor in Mexico attempted to push up their wages. There were a number of times when they attempted to strike, when they attempted to take advantage of the high productivity that they had produced for their employer.

In all of those cases, the Salinas government, true to its word to the investors, suppressed the attempts to raise wages in Mexico. So you have an artificial suppression of this law of supply and demand. And because of that, wages are not going to come up. And because of that, you have got a break in this link that we find in a free economy between productivity and wages.

So looking at it very simply and very logically, if you are an American and this is a business deal, you are not getting a lot for what you are giving. And I think that is an important thing for Americans to consider.

Now, let me talk just for a minute about the $40 billion trade that we have or 40 billion dollars' worth of trade that we have each year with Mexico, according to the President and according to Mickey Kantor, his very able Trade Representative.

Mr. Kantor has used the term $40 billion many times, and it is time, frankly, to pull the wings off this butterfly.

There is not $40 billion in trade with Mexico. That figure gives smoke and mirrors, frankly, a bad name.

Let me tell you what about 34.7 percent of that $40 billion is, and this is absolutely true. And I have got a letter from Mr. Kantor's assistant to demonstrate that it is true. I am not making it up. Let me tell you what it is.

About 34.7 percent of the so-called exports to Mexico are not exports at all. It is U-turn merchandise. What is U-turn merchandise?

U-turn merchandise is this podium that I am holding that may be built in Washington, DC, or in San Diego, CA; in my country. And let us say that this podium is built by American workers. It is intended to be sold to the Congress of the United States, paid for by taxpayers. And let us say that the work that has gone into this, work and materials, is about 100 bucks. And this podium has been built right here in Washington, DC, in a little cabinet-making shop.

It is put on a bus, and it is carried to Tijuana, Mexico to be sanded and varnished, because they do a great job of sanding and varnishing.

□ 2050

Folks, when this podium crosses the international border at Tijuana on the bus, President Clinton counts this as a $100 export to Mexico. It is not going to the Mexican market. It is going to be U-turned and taken right back to America in a short period of time. He calls that an export to Mexico.

Let us say it is sanded and varnished in Mexico, in Tijuana, and that is about $10. It is then put back on the bus. It now has $110 in it, right, built up here for $100, sanded and varnished here, sanded in Mexico, put back on the bus in Tijuana, and it is bused back to Washington, DC, to be sold to the U.S. Congress.

Mr. Clinton and Mr. Kantor then call that a $110 export from Mexico to the United States. My suggestion to them is that if we really want to give the gentleman from California [Mr. DREIER] some good ammunition, the free traders some good ammunition for this agreement, why don't they just waggle these buses about six times on the international line and they can turn Mexico into our biggest trading partner, because it is all fiction. That is 34.7 percent, according to the Mexican figures, of the $40 billion.

Let us continue to tear the wings off this butterfly, this $40 billion butterfly. About another $12 billion to $14 billion of that $40 billion is what is known as capital goods that we are selling to Mexico. Watch out, folks, this is another wild one.

When Briggs & Stratton announced about a week ago that they are going to move a piece of their manufacturing to Mexico, if they take American equipment, let us say they take 2 million dollars' worth of machine tools with this plant and move them to Mexico, or they buy 2 million dollars' worth of machine tools to relocate their plant in Mexico after they fire all their American workers, then when that bus, that five-ton truck carrying their machine tools crosses the border at Juarez, Mr. Clinton and Mr. Kantor will call that a $2 million export to Mexico, which created hundreds of jobs.

How did they get the creation of hundreds of jobs? They take these phony numbers, about $12 billion to $14 billion in capital equipment, which really is American plants moving south and firing their workers in the United States. They take that $12 billion or $14 billion, they take the approximately $15 to $16 billion in U-turn merchandise that never goes to Mexico, made in America for Americans with a little bit added on in Tijuana, they add that up, and they say, let me say, for every $1 billion in trade, a $1 billion in economic activity amounts to about 20,000 jobs, so therefore, we have created 700,000 jobs with trade to Mexico, when in reality you have not created anywhere near those jobs.

Any American who is logical can validate what I have just told you if you do a couple of things. First, if you ask me, I will be happy to send you the letter from Mr. Kantor admitting that is how you can U-turn merchandise.

Second, visit the average Mexican citizen in Tijuana or Juarez or other places. The average Mexican citizen does not buy $500 worth of American goods, and that is a fact. If you really get down to consumer merchandise, it is about $4 billion worth. That is about one-tenth of what the pro-NAFTA people are saying we are buying.

My colleagues tell me, "Republicans should be for good business. Therefore, all of the Republicans should be for the NAFTA deal." Just because Republicans support business and the idea of making deals and bringing about economic growth and employing people does not mean that we take bad deals. We are supposed to be the Yankee traders. We are supposed to be the people that look at a deal and say, "Wait a minute, don't give me your platitudes. Don't tell me it is best in the West. Don't tell me 'Go see Cal,' show me what all of the provisions say and let me add them up and see if they accrue to my benefit or the other guy's benefit, or maybe to both of our benefits."

What we are really doing is talking about building a very business-friendly investment bed in Mexico. Here is my response to my Republican and Democrat colleagues, including some of my Democrat friends who are against NAFTA, as I am, but have not supported something that I think is very important. Why don't we create an investment bed in the United States? Why don't we make the United States investment-friendly? Why don't we eliminate unnecessary regulations that are strangling our small business people? Why don't we eliminate a workmen's compensation system that is giving big payoffs to all kinds of frauds

and crooks and people who claim they were stressed by their jobs, so they can collect so much money that ultimately their employer has to close down, or in some States they eliminate the number of the types of industries that you can have in your business, because workmen's compensation insurance is such a big piece of payroll.

Why don't we eliminate some of these regulations that we have put on our businesses? Why don't we make it so that it does not take as long as it took us to win World War II, 4 years, to subdivide a piece of land in San Diego County, CA; a deliberate attempt at slow growth, at no growth, and at making housing expensive for the average working person?

I think there is a better way than signing the NAFTA agreement, voting through the NAFTA agreement, and doing in Mexico what we ought to be doing in the United States. That is making this country business-friendly, so that everybody, big business, small business, and working America can do well.

Let me just finish by telling the Members what I think the American ideal and the Republican ideal should be. My father was a guy who joined the Marines in World War II, had a successful business, ran cattle, came back from the Marine Corps and started a business as a building contractor. He was a rock-ribbed Republican conservative, never went union, had a lot of fights with unions, never went union, but he always told me that unions in many ways did some good things for this country because they helped to build a middle class.

He said, "You know, they helped to build a middle class, and that means that people can afford to buy homes and buy the cars down the street and do all the other things to keep this economy going."

Henry Ford said kind of the same thing my father said in a little different way. Henry Ford, the story goes, was asked in the 1930's, "Why are you paying your workers so much?" Maybe that was the guy who wrote the ad, "Yes, you can in Yucatan." "Why are you paying these workers so much? Everybody is out of work."

Henry Ford said, "I want to pay Americans a good living so they can afford to buy my cars," basically the same thing my father told me. When my father bought steel for his homes, bought nails, he always bought American, even though you could buy foreign steel, foreign nails, for about half the price.

Once you drive a nail in a 2 by 4 and you frame up the house, nobody knows where you got it. But he always bought American, because he felt a loyalty to the working people who stood by his side in the Pacific, as a U.S. marine, who carried our flag in the Nation's conflicts and who carried the tax burden that helps to build our roads, our bridges, our schools, and all of the great infrastructure that this society depends upon, that gives the physical attributes, man-made physical attributes of this great country that we call America.

My father was and is the Republican ideal. These people who are going to Mexico are not the Republican ideal. That is the politics of abandonment. It is true that we have had problems, working people have had problems with management, businesses have had problems with labor. However, the components of the American industrial base have never abandoned each other. That is what we are on the verge of doing.

I want to ask all my Democrat friends and all my Republican friends, after NAFTA is voted down, which it should be, to join together to do what we should have done a long time ago, and that is build a business-friendly investment base in the United States of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. MICHEL) from 5:30 p.m. today, on account of traveling with the President.

Mr. BILIRAKIS (at the request of Mr. MICHEL) from 5:30 p.m. today, on account of traveling with the President.

Mr. MCKEON (at the request of Mr. MICHEL) after 5 p.m. today, on account of official business in the district.

Mr. GIBBONS (at the request of Mr. GEPHARDT) for September 23, after 4:40 p.m., on account of official business.

Mrs. THURMAN (at the request of Mr. GEPHARDT) for September 23, after 5 p.m., on account of official business.

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for September 23, after 3:30 p.m., on account of official business.

Mr. LAROCCO (at the request of Mr. GEPHARDT) for September 23, after 4 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOKE) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes each day, on September 28, 29, and 30, and October 5, 6, 7, 12, 13, and 14.

Mr. GEKAS, for 60 minutes, on September 27.

Mr. HORN, for 60 minutes each day, on September 30 and October 5.

Mr. EMERSON, for 5 minutes, today.

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of California, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOKE) and to include extraneous matter:)

Ms. ROS-LEHTINEN.
Mr. TAYLOR of North Carolina.
Mr. SMITH of New Jersey.
Mr. GUNDERSON.
Mr. GILMAN.
Mr. EWING.
Mr. SOLOMON.
Mr. MANZULLO.
Mr. FRANKS of New Jersey.
Mrs. MORELLA.
Mr. SPENCE.

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mrs. THURMAN.
Mr. LANTOS in two instances.
Mr. BONIOR in four instances.
Mr. HOYER.
Mr. STOKES.
Mr. TEJEDA in three instances.
Mr. DEFAZIO.
Mrs. MALONEY.
Mr. ROEMER.
Mr. MFUME.
Mr. SKAGGS.
Mr. TORRES.
Mr. LAROCCO.
Mr. ANDREWS of Texas.
Mr. CLAY
Mr. WAXMAN.
Mr. VISCLOSKY.
Mr. KANJORSKI.
Mr. BROWN of California.
Mr. OWENS.
Mr. KILDEE.
Mr. PAYNE of New Jersey.
Ms. BROWN of Florida.
Ms. ROYBAL-ALLARD.
Mr. FRANK of Massachusetts.
Mr. DE LA GARZA.
Mrs. LLOYD.
Mr. WILLIAMS.

(The following Members (at the request of Mr. HUNTER) and to include extraneous matter:)

Mr. CLAY.
Ms. MOLINARI.
Mr. KENNEDY.
Mr. SERRANO.
Mr. FOGLIETTA.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1513. An act to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

H.R. 2431. An act to designate the Federal building in Jacksonville, Florida, as the "Charles E. Bennett Federal Building."

H.R. 20. An act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

H.R. 3019. An act to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

H.R. 3049. An act to extend the current interim exemption under the Marine Mammal Protection Act for commercial fisheries until April 1, 1994.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 464. An act to redesignate the Pulaski Post Office, located at 111 West College Street in Pulaski, Tennessee, as the "Ross Bass Post Office."

S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes.

ADJOURNMENT

Mr. HUNTER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, September 27, 1993, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1931. A letter from the Director, Congressional Budget Office, transmitting their report on evaluating DOD's cost analyses regarding expansion of the CHAMPUS Reform Initiative, pursuant to Public Law 102-484, section 712(c) (106 Stat. 2435); to the Committee on Armed Services.

1932. A letter from the Secretary of Education, transmitting a notice of Final Priority for Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities and Technical Assistance Projects, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1933. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting notification of the President's finding that the furnishing, sale, and/or lease of defense articles and services to the Cooperative Republic of Guyana will strengthen the security of the United States and promote world peace (PD No. 93-35), pursuant to 22 U.S.C. 2311, section 12(b)(1); 22 U.S.C. 2753, section 906; to the Committee on Foreign Affairs.

1934. A letter from the Vice-Chair, Merit Systems Protection Board, transmitting a report titled "The Changing Face of the Federal Workforce: A Symposium on Diversity," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

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. DINGELL: Committee on Energy and Commerce, H.R. 618. A bill to extend and revise rule making authority with respect to Government securities under the Federal securities laws, and for other purposes; with an amendment (Rept. 103-255). 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. BARTLETT of Maryland (for himself, Mr. CRANE, Mr. GOODLATTE, and Mr. SMITH of Michigan):

H.R. 3125. A bill to provide for the identification of felons and persons adjudicated mentally incompetent on driver's licenses and certain identification documents through a magnetic strip containing coded information and through the establishment of a national system for the identification of such persons, and to impose criminal penalties on any federally licensed firearms dealer who sells a handgun to a person without using a device to read the magnetic strip on the driver's license or identification document of the person; to the Committee on the Judiciary.

By Ms. CANTWELL:

H.R. 3126. A bill to authorize the Secretary of Transportation to convey vessels to assistance International, Inc. (a nonprofit corporation); to the Committee on Merchant Marine and Fisheries.

By Mr. KASICH:

H.R. 3127. A bill to transfer to the Secretary of Transportation the functions of the Interstate Commerce Commission; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mrs. MALONEY:

H.R. 3128. A bill to abolish the National Board for the Promotion of Rifle Practice and to eliminate the promotion of civilian marksmanship by the Department of Defense; to the Committee on Armed Services.

H.R. 3129. A bill to allow interstate banking through acquisitions of existing banks, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KILDEE (for himself, Mr. FORD of Michigan, Mr. GOODLING, Mr. MILLER of California, Mr. GUNDERSON, Mr. SAWYER, Mr. OWENS, Mrs. UNSOELD, Mr. REED, Mrs. MINK, Mr. ENGEL, Mr. GENE GREEN of Texas, Ms. ENGLISH of Arizona, Mr. STRICKLAND, Mr. ROMERO-BARCELO, Mr. MARTINEZ, Mr. ANDREWS of New Jersey, and Mr. FALEOMAVAEGA):

H.R. 3130. A bill to improve America's schools; to the Committee on Education and Labor.

By Mr. BROOKS (for himself, Mr. SCHUMER, and Mr. HUGHES):

H.R. 3131. A bill to control and prevent crime; to the Committee on the Judiciary.

By Mr. OWENS (for himself, Mr. REYNOLDS, Mr. CLAY, Mr. NADLER, Ms. NORTON, Mr. LEWIS of Georgia, Ms. VELAZQUEZ, Mr. DELLUMS, Mrs. MEEK, and Mr. HASTINGS):

H.R. 3132. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

By Mrs. LLOYD:

H.J. Res. 265. Joint resolution to designate October 19, 1993, as "National Mammography Day"; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR of North Carolina (for himself, Mr. CLEMENT, Mr. WELDON, Mr. CLYBURN, Mr. HAMBURG, Mrs. MINK, Mr. WALSH, Mr. KASICH, Mr. MCDERMOTT, Mr. DE LA GARZA, Ms. NORTON, and Mr. HOCHBRUECKNER):

H.J. Res. 266. Joint resolution designating both September 29, 1993, and September 28, 1994, as "National Barrier Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. PAYNE of New Jersey (for himself, Mr. JEFFERSON, Mr. MCDERMOTT, Mr. FLAKE, Mr. MFUME, Mr. ABERCROMBIE, Mr. FORD of Tennessee, Mr. BLACKWELL, Mr. HUGHES, Mr. KLECZKA, Mr. TUCKER, Mrs. MINK, Mr. GENE GREEN of Texas, Mr. MCCURDY, Mr. VOLKMER, Mr. FORD of Michigan, Mr. ROEMER, Mr. HOLDEN, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. WYNN, Mr. RICHARDSON, Mr. HASTINGS, Mr. OWENS, Mr. FIELDS of Louisiana, Mr. REYNOLDS, Mr. MORAN, Mr. WHEAT, Mr. CLAY, Mr. SCHUMER, Mr. KENNEDY, Mr. PETERSON of Florida, Ms. PELOSI, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, Mr. DELLUMS, Ms. MCKINNEY, Mrs. COLLINS of Illinois, Mr. COYNE, Mr. KOPETSKI, Mr. PAYNE of Virginia, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. LEVIN, Mr. HILLIARD, Mr. THOMPSON, Mr. HAYES, Mr. TOWNS, Mr. RUSH, Ms. BROWN of Florida, Mr. BISHOP, Mr. BREWSTER, Mr. STOKES, Mr. SCOTT, Mr. RANGEL, Ms. DELAURO, and Mr. DIXON):

H. Con. Res. 151. Concurrent resolution concerning the movement toward democracy in the Federal Republic of Nigeria; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. SKAGGS (for himself, Mr. PETERSON of Florida, and Mr. GILCHREST):

H. Con. Res. 152. Concurrent resolution concerning human rights and democracy in Vietnam; to the Committee on Foreign Affairs.

By Mr. SOLOMON (for himself and Mr. GILMAN):

H. Con. Res. 153. Concurrent resolution expressing the sense of the Congress in support of the President of the Russian Federation, Boris Yeltsin; to the Committee on Foreign Affairs.

By Ms. MOLINARI (for herself, Mr. MCCLOSKEY, Mr. KING, Mr. LEVY, and Mr. ENGEL):

H. Con. Res. 154. Concurrent resolution concerning the need for immediate investigation into violations of international law in the former Yugoslavia and prosecution of persons responsible for those violations; to the Committee on Foreign Affairs.

By Mr. BLUTE:

H. Res. 255. Resolution expressing the sense of the House of Representatives that any laws enacted pertaining to the reform of our Nation's health care system should apply to Members of Congress; to the Committee on House Administration.

By Mr. TALENT:

H. Res. 256. Resolution amending the Rules of the House of Representatives to preclude the Committee on Rules from reporting any rule or order waiving the applicability of the germaneness requirement to any emergency supplemental appropriation for a natural disaster; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. REED.

H.R. 22: Mr. ANDREWS of Texas.

H.R. 64: Ms. NORTON.

H.R. 71: Mr. RICHARDSON.

H.R. 303: Mr. ANDREWS of New Jersey.

H.R. 323: Mr. ZIMMER.

H.R. 340: Mr. MCINNIS.

H.R. 393: Mrs. ROUKEMA.

H.R. 401: Mr. LEVY.

H.R. 479: Mr. RICHARDSON.

H.R. 509: Mr. LINDER and Mr. FRANKS of Connecticut.

H.R. 672: Mr. MOAKLEY and Ms. BYRNE.

H.R. 786: Mr. COLEMAN, Mrs. ROUKEMA, and Mr. WISE.

H.R. 799: Mr. NUSSLE, Mr. POMBO, and Mr. BARLOW.

H.R. 830: Mr. TORRES and Mr. MYERS of Indiana.

H.R. 923: Mr. BISHOP.

H.R. 1009: Mr. PORTMAN.

H.R. 1031: Mr. ROYCE, Mr. MURPHY, Mr. BARRETT of Wisconsin, and Mr. WILSON.

H.R. 1078: Ms. HARMAN.

H.R. 1203: Mr. TORKILDSEN, Mr. HOBSON, and Mr. TANNER.

H.R. 1205: Mr. PACKARD and Mr. SHAYS.

H.R. 1276: Mr. SKEEN and Mr. SCHAEFER.

H.R. 1295: Mr. GLICKMAN and Mr. WALSH.

H.R. 1302: Mr. LEVY.

H.R. 1355:Mr. CALVERT.

H.R. 1383: Mr. PACKARD and Mr. PORTER.

H.R. 1463: Mr. RANGEL.

H.R. 1608: Mr. BACHUS Alabama, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BUYER, Mr. DOOLEY, Mr. FLAKE, Mr. GRAMS, Mr. HOYER, Mr. MCCOLLUM, Mr. SKAGGS, Mr. SKEEN, and Mr. SPRATT.

H.R. 1697: Mr. DOOLEY.

H.R. 1738: Mr. ROBERTS.

H.R. 1753: Mr. PETERSON of Minnesota.

H.R. 1755: Mr. PETERSON of Minnesota.

H.R. 1802: Mr. SHAYS.

H.R. 1827: Mr. BREWSTER.

H.R. 1883: Mr. SOLOMON, Mr. HERGER, Mr. COX, Mr. WYNN, and Mr. HORN.

H.R. 1886: Ms. MCKINNEY, and Mr. FILNER.

H.R. 1933: Mr. HOYER, Mr. BACCHUS of Florida, Mr. BILBRAY, Mr. WALSH, and Mr. HOCHBRUECKNER.

H.R. 2017: Mr. WYNN.

H.R. 2062: Mr. CHAPMAN.

H.R. 2088: Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. KNOLLENBERG, and Mr. MCINNIS.

H.R. 2121: Mr. RUSH, Mr. DUNCAN, Mr. KLUG, Mrs. MORELLA, Mr. ZIMMER, Mr. HOBSON, Mr. SMITH of Texas, Mr. SAM JOHNSON, Mr. BATEMAN, Mr. SCHAEFER, Ms. MARGOLIES-MEZVINSKY, and Mr. JOHNSTON of Florida.

H.R. 2171: Mr. FIELDS of Louisiana, Mr. ROWLAND, and Mr. CALVERT.

H.R. 2263: Mr. SANDERS.

H.R. 2292: Mr. ANDREWS of Maine, Mr. PETERSON of Minnesota, and Mr. LINDER.

H.R. 2326: Mr. ORTON, Mr. BARCIA of Michigan, Mr. DOOLITTLE, Mr. HASTINGS, Mr. ROHRABACHER, Mr. KLECZKA, Mr. BAKER of California, Mr. KREIDLER, and Mr. PAYNE of Virginia.

H.R. 2394: Mr. FLAKE and Mr. LEWIS of Florida.

H.R. 2395: Mr. FLAKE.

H.R. 2427: Mr. MCDERMOTT.

H.R. 2434: Mr. HUNTER.

H.R. 2574: Mr. RICHARDSON.

H.R. 2580: Ms. NORTON, Mr. WAXMAN, Mr. SANDERS, Mr. OLVER, Mr. HINCHEY, and Mr. ENGEL.

H.R. 2638: Mr. POSHARD and Mr. TOWNS.

H.R. 2641: Mr. SWETT, Ms. DANNER, and Mr. FRANK of Massachusetts.

H.R. 2671: Mr. KLUG and Mr. BATEMAN.

H.R. 2787: Mr. WATT and Ms. WOOLSEY.

H.R. 2788: Mr. FILNER.

H.R. 2834: Mr. POSHARD, Mr. DEUTSCH, and Mr. HINCHEY.

H.R. 2835: Mr. POSHARD, Mr. DEUTSCH, and Mr. HINCHEY.

H.R. 2836: Mr. JOHNSON of South Dakota.

H.R. 2838: Mr. WELDON.

H.R. 2864: Mr. TORRES and Mr. FRANK of Massachusetts.

H.R. 2872: Mr. QUINN, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. POMBO, Mr. BARTLETT of Maryland, and Mr. SANTORUM.

H.R. 2884: Mr. BONIOR.

H.R. 2921: Mrs. COLLINS of Illinois and Mr. PARKER.

H.R. 2968: Ms. MARGOLIES-MEZVINSKY, Mr. SOLOMON, and Mr. LEVY.

H.R. 3017: Mr. FROST.

H.R. 3023: Mr. ABERCROMBIE, Mr. GREENWOOD, Ms. CANTWELL, Mr. BARRETT of Nebraska, Mr. PETERSON of Florida, Mr. RAHALL, Mr. FROST, Mr. RAVENEL, Mr. MINETA, Mr. GOSS, Mr. GORDON, Mr. LEVY, and Mr. TEJEDA.

H.R. 3024: Mr. GREENWOOD, Mr. COMBEST, Mr. LEVY, Mr. DUNCAN, Mrs. VUCANOVICH, and Mrs. MEYERS of Kansas.

H.R. 3041: Ms. BYRNE.

H.R. 3080: Mr. DUNCAN, Mr. MICA, and Mr. DREIER.

H.R. 3086: Mr. SHAW, Mr. CANADY, and Mr. TORKILDSEN.

H.R. 3105: Mr. KING and Mr. SOLOMON.

H.R. 3118: Mr. COSTELLO and Mr. DURBIN.

H.J. Res. 9: Mr. BACHUS of Alabama, Mr. HOEKSTRA, and Mr. LINDER.

H.J. Res. 38: Mr. BEREUTER.

H.J. Res. 113: Mr. SUNDQUIST.

H.J. Res. 117: Mr. ROYCE.

H.J. Res. 148: Ms. ENGLISH of Arizona, Mr. FAZIO, Mr. JOHNSON of South Dakota, Mr. KANJORSKI, Mrs. MINK, Mr. MOAKLEY, Mr. QUILLEN, Mr. ROBERTS, Mr. SANGMEISTER, Ms. MCKINNEY, Mr. TANNER, Mr. ROHRABACHER, Mr. ROSE, Mr. ARCHER, Mr. SKEEN, Mr. RIDGE, Mr. KENNEDY, Mr. PICKLE, Mr. SAWYER, Mr. HALL of Texas, Mr. GLICKMAN, Mr. MCINNIS, Mr. VOLKMER, and Mr. MCCOLLUM.

H.J. Res. 175: Mr. GALLO, Mr. PRICE of North Carolina, and Mr. LAFALCE.

H.J. Res. 178: Mr. MCINNIS, Mr. SCHAEFER, Mr. MATSUI, and Mr. JOHNSTON of Florida.

H.J. Res. 187: Ms. NORTON.

H.J. Res. 194: Mr. STUMP, Mr. SHARP, Ms. DUNN, Mr. DE LA GARZA, Mr. JACOBS, Mr. ROEMER, Mr. HALL of Texas, Mr. TAYLOR of Mississippi, Mr. SYNAR, Mr. DURBIN, Mr. TORRICELLI, Mr. YATES, Mr. WYDEN, Mr. COSTELLO, Mr. FARR, Ms. MARGOLIES-MEZVINSKY, Mr. MFUME, Mr. OLVER, Mr. LAROCCO, Mr. BLACKWELL, Mr. HOCHBRUECKNER, Mr. PICKLE, Mr. SCOTT, Mr. REED, and Ms. DANNER.

H.J. Res. 206: Mr. ACKERMAN, Mr. CLAY, Mr. DICKEY, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. JACOBS, Mr. OWENS, Mr. PARKER, Mr. SABO, Mr. VALENTINE, and Mr. YOUNG of Florida.

H.J. Res. 212: Mr. HAMBURG, Mr. STEARNS, Mrs. BENTLEY, Miss COLLINS of Michigan, Mr. COSTELLO, Mr. LAUGHLIN, Mr. ROGERS, Mr. BUNNING, and Mr. LIPINSKI.

H.J. Res. 234: Mr. YOUNG of Alaska, Mr. WOLF, Mr. HAMILTON, Mr. WYDEN, Mr. SPENCE, Ms. NORTON, Mr. HOEKSTRA, Mr. JACOBS, Mr. ORTON, Mr. ACKERMAN, Mr. BROWDER, Mr. CALLAHAN, Mr. COBLE, Mr. HYDE, Mr. INHOFE, Mr. LANCASTER, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. CRAMER, Mr. CLEMENT, Mr. DE LUGO, and Mr. DICKS.

H.J. Res. 254: Mr. HANSEN.

H.J. Res. 256: Mr. GREENWOOD, Mr. COMBEST, Mr. LEVY, Mr. DUNCAN, and Mrs. VUCANOVICH.

H. Con. Res. 47: Mr. ROHRABACHER.

H. Con. Res. 52: Mr. COSTELLO and Ms. SNOWE.

H. Con. Res. 100: Mr. CLINGER, Mr. RUSH, and Mr. MCINNIS.

H. Con. Res. 103: Mr. RANGEL and Mr. ABERCROMBIE.

H. Con. Res. 141: Mr. HANCOCK, Mr. BACCHUS of Florida, Mr. KIM, and Mr. BARRETT of Nebraska.

H. Res. 40: Mr. MARKEY and Mr. FAZIO.

H. Res. 165: Mr. ROYCE, Mr. HERGER, Mr. SCHAEFER, Mr. STARK, Mr. MICA, Mr. REYNOLDS, Mr. TORRICELLI, Mr. PALLONE, Mr. GUTIERREZ, and Mr. MOAKLEY.

H. Res. 247: Mr. SHAYS, Mr. GREENWOOD, Mr. COMBEST, Mr. LEVY, Mr. DUNCAN, and Mrs. VUCANOVICH.

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. 2758: Ms. MCKINNEY.

H. Res. 134: Ms. MCKINNEY.