

## HOUSE OF REPRESENTATIVES—Monday, July 24, 1995

The House met at 10:30 a.m., and was called to order by the Speaker pro tempore [Mr. EVERETT].

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
July 24, 1995.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
Speaker of the House of Representatives.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon [Ms. FURSE] for 5 minutes.

### A DECLARATION TO THE REPUBLICAN PARTY

Ms. FURSE. Mr. Speaker, last week, members of the Steel Workers Union came to see me and they brought with them what they called a declaration to the Republican Party. These are not my words. They are their words. They are the almost 1 million strong steel workers who represent so many of our working people.

This is what they said, and I quote:

We of the United Steel Workers of America, we work in the steel mills, rubber plants, chemical plants, mines, hospitals, offices, in workplaces large and small all over this land; it is we and the millions of working people just like us, active and retired, who have built this country and created the prosperity that has made the United States of America the beacon of hope and freedom for all people.

We believe with the founders of our Nation that we are endowed with certain inalienable rights, amongst which are the rights to life, liberty and the pursuit of happiness, and we believe that these rights include the rights of workers to have jobs, with fair wages and safe and healthy workplaces, the right to a job which is safe, the right of workers to organize in unions, the right of children to

grow up free of poverty and be educated for fulfilling lives, the right of all citizens to be free of discrimination, whatever their race, religion or sex, the right of those who have completed a productive life to enjoy their retirements, and the right of all citizens to health care, the right of all of us to clean air, clean water, and a clean environment.

Mr. Speaker, the Steel Workers go on to say, and I quote:

We come here today to declare that the Republican Party has declared war on us and all our brothers and sisters across this great land. It has declared war on our families and on our communities.

They go on to say:

You would tear down the agencies that guarantee our right to decent jobs in safe workplaces. You would eliminate our right to organize. You would deny our children's hopes for education. You would deprive our senior citizens of security. You would rip up the laws that have gone so far to erase our Nation's bitter heritage of racism and discrimination. You would convert our environment from a priceless gift to be preserved to an economic resource to be raped and exploited. You would encourage the rich to get richer and condemn the poor to get poorer. You would do these things by turning over our country to the greedy. You would sell our heritage to the corporations whose lobbyists you cater to. You would undermine every piece of socially responsible legislation that we and our predecessors struggle to achieve.

The Steel Workers of America end by saying: "You have declared war on us, the working people of America," and I end quote.

Mr. Speaker, I want to say, these are not my words, but they are the words of many, many of my constituents. They are the words of the Steel Workers of America, almost 1 million strong.

### REFORMING MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized during morning business for 5 minutes.

Mr. DOGGETT. Mr. Speaker, "What you don't understand is why I ain't dumb enough to fall on my sword." Let me repeat that. "What you don't understand is why I ain't dumb enough to fall on my sword."

Those are not my words. Rather, they are the words as quoted in the Houston Chronicle of the majority leader of this House, my Republican colleague from Texas, the Honorable DICK ARMEY, when asked to explain why the Republican majority is unwilling to detail to American seniors, to American families, the specifics of

their plan to do what they call reforming Medicare.

We have, since that time, been told by Speaker GINGRICH that perhaps 2 months from now, and it is almost 2 months to the day, on September 22, we will finally hear the details of how it is that our Republican colleagues propose to deal with the Medicare system.

One can hardly stop in amazement as to why it is, if this is such a good plan to reform and save Medicare for future beneficiaries, rather than run to decimate it for people who are on Medicare, why it is that they are hiding their light under a bushel, why it is that they will not detail to the American people so that they can evaluate how great a plan this is, rather than having it sprung on them as a September surprise for seniors, why it is they are hiding their plan.

I think the reason is clear to any close observer of what is happening to Medicare, why it is that our Republican colleagues are, in fact, medicared when it comes to revealing the details of their plan to alter and decimate the Medicare system.

The whole plan is based on two premises. No. 1 is the premise that it is not so much about Medicare that they are concerned, but they need a certain amount of money and it just so happens that what I have always viewed as the Medicare trust fund, but what they seem to see as the Medicare slush fund, has moneys coming into it that are available to meet their need to provide some tax shift and relief for the most privileged few in our country. It is really not a battle about Medicare. It is just that there are Medicare funds there that they want to use for something else.

The second and the most significant premise about these so-called reform plans that the majority leader does not want to fall on his swords on and is not dumb enough to fall on his sword on, is that all of the various approaches that have been conceived in the name of reform are based on one simple premise, and that is that health care is just too cheap for our senior citizens; they are not contributing enough to their Medicare.

In fact, even though they contribute more on the average as a proportion of their income than any other age group in this country, although they have no Medicare coverage for prescriptions, which is an extreme cost for many of our Nation's seniors or for the families

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

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

that are backing up their parents, although there is no real effective coverage anywhere for long-term health care, for the long-term health care needs of many of our Nation's seniors, these so-called reform plans are based on the assumption that our seniors are just getting by with having to pay too little and that they ought to have to pay more with reference to their health care.

One of the concepts that is being advanced, and all of these concepts we get not from anything that has been said at this microphone or anywhere on the floor of this House, because to this very day, since this idea of junking Medicare as we have known it has come out from our Republican colleagues, from day one, they have been as silent as this microphone to my left is at the moment when it comes to detailing their plans. They have been medicared to come to this floor and level with the American people and tell the American people what it is that they are doing. They have yet to utter a word of specifics.

There are a number of internal memos that, thanks to the freedom of the press in this country, reporters have investigated and they have talked to staff members and they have gotten contact here and there, and some of the Nation's leading news periodicals, relying on those Republican staff members and off-the-record comments, have begun to get the details of what is about to be sprung on it two months from now in September.

One of the ideas that is about to be sprung on us is the idea consistent with the approach that American seniors are just not paying enough out of their pocket for their health care, that we ought to discourage them from buying insurance, the MediGap insurance that many seniors purchase in order to cover what Medicare does not cover now.

The theory, according to these investigative reports is that, relying on Medigap insurance, seniors just do not have to pay enough for their coverage.

The second idea is to raise monthly fees, and the third is to actually raise the age at which people can qualify.

All of these suggest that the American people need to get more informed about the September surprise for seniors that our Republican colleagues plan to pose with reference to Medicare.

#### SOLVENCY OF MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning business for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, now I have heard it all. It is the Republicans that are medicared? I am sorry. I thought it was the President of the

United States, a Democratic President of the United States, that had his Medicare trustees go out and study the solvency of the system.

He did that and they came back, and they came back with a conclusion that I am sure made the President of the United States uncomfortable. The Medicare trustees, three of whom are in the President's own Cabinet, came back and told the President of the United States: Medicare is going bankrupt in 7 years. Let me repeat that. The Medicare trustees came back and said: Mr. President, Medicare goes bankrupt in the 2002.

Yet, since that report has come out, we have seen nothing but speeches like the one that we just heard talking about how mean-spirited the Republicans and the conservative Democrats are for actually daring to step forward and try to save Medicare.

We have seen the minority leader come to the microphone and continually show a picture of two senior citizens, Ma and Pa Middle America, and say, it is the mean-spirited Republicans that are going after Ma and Pa America because they are coming in and they are going to change the Medicare system.

Let me tell you something. That is demagoguery. I am sorry. That is all it can be called. When the person stands behind that microphone and knows in 7 years that those senior citizens that they are coming up proclaiming to protect will be part of a Medicare system that is bankrupt and they are too afraid to do anything about it and they attack those who would dare to step into the fray and try to save Medicare, that is demagoguery defined. It is what is worse with Washington politics, somebody standing on the sideline doing nothing but pointing fingers at the other side when they dare to tackle a problem that the other side is afraid to touch.

Do you want to understand this debate? Do you want to understand in the end where the lines are drawn in this debate? Just remember this, and I will repeat it one or two times so you can remember it. Medicare is going bankrupt and the House Democrats are doing nothing about it. Medicare is going bankrupt and the House Democrats are doing nothing about it. Medicare is going bankrupt, bankrupt, and the House Democrats are doing nothing about it.

I have two choices. I can go back to my mother 7 years from now and my father 7 years from now and tell them in Pensacola, FL, "I am sorry, mom and dad, that this system is bankrupt, but 7 years ago when the Board of Trustees came back on Medicare and told me that it was going bankrupt, I lacked the political courage to do anything about it because I was afraid what the other side might tell me."

I am not going to do that. Let me tell you something. It is not just Repub-

licans, House Republicans, that are being left out on the line. The House Democrats have abandoned their President. Say what you will about President Clinton, say what you will, but even he recognizes that Medicare is going bankrupt and the House Democrats are doing nothing about it.

Mr. Speaker, they can come behind this microphone all they want and say how mean-spirited it is all they want, but it does not change a basic fact. Medicare is going bankrupt and the House Democrats are doing nothing about it.

I will not wash my hands of this matter and there are leaders throughout Washington that will not wash their hands of this matter. We will reform Medicare to save it and I hope somebody on the Democratic side will do the same thing.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to avoid personal references to the Members who have participated in the morning hour debates.

#### SHORTFALL IN MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I probably represent the Democratic side and let me try and clear up this Medicare thing. Yes, we do have a report from the trustees of Medicare that it will have a shortfall starting in the year 2002.

Let me ask a question. Here is the big difference between the sides. If you had a report saying there would be a shortfall in the year 2002, would you run out then and take another \$270 billion out of this account? It is not going to have a surplus. It is going to have a shortfall. If you take \$270 billion out of it, boy, oh boy, is it going to have a shortfall in the year 2002 because that is exactly what the other side of the aisle is trying to do.

We hear all this yelling and posturing. It is because they do not have the facts on their side so they have got to yell louder.

Now they are going to take the \$270 billion out to give a tax cut, and it is basically going to be for people who make over \$350,000 a year. They are going to get about a \$20,000 a year rebate. Goody for them, and the people who are on Medicare are going to pay for it.

On this side of the aisle, what the President has said is that the Medicare system is in trouble and he is talking about trying to cut down \$70 billion. There is a big difference between \$270

billion and \$70 billion, but he is talking about trying to cut out waste of \$70 billion or find efficiencies of \$70 billion and not fund a tax cut, but reinvest it in the Medicare fund. That will help make it solvent.

If you take the money out and it is already in trouble, you only escalate the problems you are going to have. If you take it out of the trust fund and try to find efficiencies and the savings you get you put back in the trust fund, then you hope to make it solvent. That is what all of the screaming is about.

It is really very simple. What has really happened is they do not want to admit what they are doing. I mean, it is embarrassing. The people are not stupid in this country. Thank goodness. They know there is a big difference between finding savings and reinvesting it in that trust fund, and it should be a separate trust fund because you put the money in separately. It did not come out of general revenues, and people are trying to find it as a way to do a bill payer for big tax cuts that this side is not supporting.

Why do I care so much about Medicare? Because if you gut Medicare the way they are talking about it, the impact it is going to have on the American woman is very serious. Many more women than men are on Medicare, but not only at the Medicare level. It is going to impact women who are not on Medicare because women are still the primary caregivers in this country, and if older women suddenly find they cannot make a go of it because Social Security does not give them enough money to pay the increased costs in their health care thing, they are going to end up having to move back with families or rely on families for more care-giving or whatever, and while many men do that, the still highest percentage of care-giving is still done by woman.

Let me just give some statistics that show you what kind of trouble women are in. I only say that everything that I put out here, if you are an older woman and you are an older woman of color, the situation is much less.

Very, very few, in fact, only 13 percent of America's women over 65, receive a private pension, only 13 percent. Why? Because when they were in the workplace, they had marginal jobs. Most did not have benefits; and if they do get a pension, their pensions are at the very lowest. So the 13 percent who do the best still are at the lowest end of the pension scale because it was before affirmative action; it was before a lot of things, and these women had very poor-paying jobs.

As a consequence, we have many, many women over the age of 65 relying solely on Social Security, solely on Social Security, and out of that, they have to make their Medicare payments and they have to make all the rest of their payments.

Most of you know, if you are relying solely on Social Security, you are in big trouble. Then, if you look at the next level of what happens to women, women live longer than men, but because we have done a very poor job in the past of doing research on women's diseases, older women are much more apt to be incapacitated by arthritis, osteoporosis, frailty, many of the kinds of diseases that we do not have an answer for at this point. As a consequence, they need it.

So I just think it is really time to put this all in perspective, that people should stop yelling, look at the facts and let us get back to saving Medicare rather than trying to gut Medicare.

#### PRESERVE AND PROTECT MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. METCALF] is recognized during morning business for 5 minutes.

Mr. METCALF. Mr. Speaker, the President's commission does indeed state that Medicare, and the Medicare trustees state clearly that by 1997, we start having more money coming out of the Medicare fund than going in. By the year 2002, it is bankrupt, and that is unacceptable. It is absolutely unacceptable.

Medicare must be preserved and must be protected, and we will preserve and protect Medicare. Presently, the allotment per year for senior citizens in Medicare is \$4,300. By the next 10 years, it will be \$6,400. We are increasing Medicare about 5 percent, a little bit more each year. This increase is called a cut only inside the beltway. The people of America can recognize the difference.

The solution of the other side is to put more money into the system that is already causing us these problems. We do not have the money today. We do not have the money. We have debt. Today we have a huge debt. It is a deficit which runs well over \$250 billion a year. If we had not borrowed all the money in the past, if we had not irresponsibly spent that money in the past, this Government is running a surplus.

Did you know that this Government is running a surplus today if you do not count the interest paid on the previous debt? All that irresponsible spending now results in a debt payment that is so large that it is more than the deficit that we are running, and it is really important to get that clear.

If we did not owe the money, we are running a surplus. Today we have to stop, we have to balance the budget, we have to stop the increasing debt, we have to solve the deficit.

The amount that is paid in interest on the debt is \$1,300 per person per year, not per wage earner or anything, men, women and children. Thirteen hundred dollars per person per year

just to pay the interest on the debt. That does not buy anything that you need, does not buy anything that the Government does; just to pay the interest.

A child born in 1995 will look forward to paying \$187,000 in their lifetime just to pay the interest on the debt. That is about the cost of a very nice home. What we are doing to our children by refusing to get the spending in control is to remove their chance to own a home. My wife and I have realized the American dream. We have a home. We have it fully paid for. My grandchildren will not have that opportunity unless we solve that problem.

I just want to throw in one other little statistic to remember about debt and the growing debt. It is so easy to just continue. The people of England are still paying interest on the money they borrowed to fight Napoleon. They have paid that money 14 times over. They paid 14 times as much as they borrowed in interest and they are still paying the interest.

If we do not solve this problem, if we do not solve this problem right in the next very few years, we are subjecting our own children to debt slavery. We are taking money out of their standard of living just to pay interest on the debt. Permanent interest payments on a perpetual debt is debt slavery for children. We have to balance the budget and we will balance the budget.

#### RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 56 minutes a.m.) the House stood in recess until 12 noon.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EVERETT] at 12 noon.

#### PRAYER

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

We are grateful, O loving God, for all the memories that have sustained and nourished our lives throughout our times. Specially we are indebted to those people whose attention has given us support and joy and assurance. We are appreciative of our families where tradition and heritage have motivated our endeavors and whose devotion is more than we could ask or expect. It is our prayer, O God, that we will gather together these remembrances that have been gifts to us and use them in our daily lives, now and evermore. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KNOLLENBERG] come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

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

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1854) "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MACK, Mr. BENNETT, Mr. HATFIELD, Mrs. MURRAY, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 638. An act to authorize appropriations for United States insular areas, and for other purposes;

S. 1023. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; and

S.J. Res. 27. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

## KEEPING OUR PROMISES

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

Mr. KNOLLENBERG. Mr. Speaker, the Republican majority in Congress is committed to keeping our promises for the American people. We pledge to reduce the size and scope of the Federal Government, balance the Federal budg-

et, and lower taxes on working families. We also passed a budget resolution that eliminates the deficit by the year 2002. It also provides a \$245 billion tax relief segment to families, seniors businesses.

Currently we are in the process of implementing this plan. We are passing appropriations bills that cut wasteful spending, eliminate unnecessary programs and downsize bloated bureaucracies.

The President has also expressed his desire to eliminate the deficit. Strangely enough, however, he has submitted two budget proposals that produce \$200 billion in deficits as far as the eye can see. He helped kill the balanced budget amendment and he vetoed a \$16.4 billion rescission bill. Now he says he is threatening to veto our appropriations bills because they cut too much spending.

Mr. Speaker, I believe the American people understand the difference. I think they will see that the Republicans are right in downsizing the Government to increase their take-home pay.

## LOBBY REFORM

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

Mr. DOGGETT. Mr. Speaker, in Texas we believe in giving credit where credit is due. Today I, as a Democrat, rise to salute and applaud the Republican majority leader, BOB DOLE, for allowing gift and lobbying reform measures to come before the U.S. Senate this week.

I believe that this is a great development for the American people, who will recall that in the waning hours of the last session a Democratic initiative for lobby reform was killed by Republicans to the cheers of lobbyists outside.

Senator DOLE has at least reluctantly agreed to the Democratic demands for a vote on measures severing the ties that bind lobbyists to legislators in this Congress.

Strangely, the Washington Times reports that the same thing is not happening here in the House of Representatives. Rather, they report that the House Republican leadership's agenda calls for no action on gift and lobby reform this year.

Students of Congress know that if we delay until next year, we will not get the reform we need.

Mr. Speaker, it is time for Speaker GINGRICH and the Republican leadership to follow Senator DOLE's lead and reluctantly agree to Democratic demands that we address gift reform and lobby reform now and stop intimidating those who demand that we address them.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to

make references to actions in the other body.

## FAIRY TALES

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

Mr. NORWOOD. Mr. Speaker, I had the opportunity to spend some time with my grandchildren this past weekend, and like any good grandfather I read them fairy tales before bedtime. It made me think about the problems we have here in Washington. Some people have a hard time separating facts from fairy tales. It is simply a matter of fact that Medicare will go bankrupt in 7 years. It is a fact documented in a report put out by the Medicare Trustees, three of whom are members of the Mr. Clinton's administration. Anyone who tells you differently, well that is a fairy tale. The Republicans have made a decision to fix Medicare. We will strengthen Medicare so that it may survive well into the next century. That is a fact. We must act to save the system now. That is also a fact. Anyone who would tell you that Medicare is doing just fine, and that the Republicans are trying to fix a system that isn't broken, well, that is someone who has been reading way too much of Alice in Wonderland lately.

## PARENTS DAY

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

Mr. SPRATT. Mr. Speaker, yesterday was Parents Day for the first time ever. A lot of us probably missed it. That is because by now we have a day for nearly every purpose under the sun. But this one, Parents Day, stands for something important: the importance of parents, our parents, in our own lives and in the life of our country.

I think one way that Congress can distinguish this occasion and make it a special day is this week or next to pass H.R. 2030, a bill called parental choice in television. This bill gives parents a very simple power, the power to stop their children from watching TV shows that they think are too violent or too vulgar. Nationwide 72 percent of the people, when polled recently, said there is too much violence on TV.

An even larger number said the thing that this violence shows up again as violence on the streets and violence in the schools.

Our bills will give parents a device to block violence and sex from coming into their homes by TV. When parents have this device built into their own TV sets, I think the networks are going to take note. I think they are going to be a lot more careful about the violence and vulgarity that they script into today's programs. All sorts of groups that care about children, from

the PTA, to the elementary school principals, from psychiatrists to pediatricians have endorsed our bill. I urge the Committee on Rules to do the same and allow us the opportunity to offer it as an amendment to the telecommunications bill when it comes up in the House.

#### KOREAN WAR MEMORIAL

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

Mr. MONTGOMERY. Mr. Speaker, this Thursday at 3 in the afternoon at The Mall in front of the Lincoln Memorial, we will dedicate the Korean Memorial that honors those veterans who fought and were called to active duty during the Korean war. This, Mr. Speaker, is a very attractive memorial that will attract thousands and thousands of Americans to come and look at that war memorial that is dedicated to the Korean veterans and to those who went to Korea.

Mr. Speaker, I am proud to say about 30 Members of the House participated in the Korean war. I was one of them. So it is a pleasure to announce that this memorial will be dedicated this Thursday.

#### ECONOMIC RECOVERY AT THE EXPENSE OF WORKERS

(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, Business Week Reports that corporate profits are at a 50-year high. They say that executives who average over \$1 million a year in pay and bonuses have caused this great profit by in fact cutting the wages of American workers and many times replacing full-time American workers with temporary hires.

You see, to many corporations, I believe, the best American worker is an American worker that also happens to qualify for food stamps. Now, experts are saying this is the greatest economic recovery in our history. If that is so, I say right on the floor, these economic experts have been inhaling for a long time.

#### THE V CHIP

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

Mr. MILLER of California. Mr. Speaker, I would hope that the Committee on Rules would make in order the Spratt-Markey-Moran-Burton amendment dealing with the V chip, which is the ability to provide parents greater say over what programs come into their home and to have the ability

to lock those programs out should they desire that their children not be able to view those programs.

Many in the telecommunications industry and certainly many in the networks fought this effort when it was offered on the floor of the Senate and were able to defeat it. We should empower parents to have the say, to have this control in their own home about the kind of programming that is coming into their programs, especially when so very often young children are left at home or are home for a good portion of the day while both parents are out working.

Those parents should have the confidence that they can have some say to regulate the flow of programming, if they are concerned about violence, if they are concerned about sexual content of programs, they should have some say in that. They should be able to pick and choose for their children, not the networks and apparently not the sponsors that are not prepared to exercise self-control and to respect the rights of young children and of families.

I hope that the Committee on Rules would make the amendment in order and Members of the House would vote for the V chip amendment.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 27 years ago, on July 3, 1968, my predecessor in Congress, the late James Howard, spoke eloquently on this floor in honor of the second anniversary of the Medicare Program. Medicare was enacted during Congressman Howard's first term in Congress. I know he looked upon this opportunity to be part of that Medicare debate as a great honor.

I just wanted to quote something that he said in the RECORD on that day in 1968. He said:

As we celebrate the second anniversary of Medicare, we are really celebrating the enrichment of many lives, the elderly who are already served by Medicare, those who will be served in the coming years and the rest of us whose lives are enriched daily as we watch our elders lead more productive lives.

Now, I would like to compare what Jim Howard expressed so eloquently to what the Republican leadership of today is saying about Medicare.

According to one of the Republican leaders recently, "Medicare is a program I would have no part of in the

free world. Medicare," he said, "teaches seniors the lessons of dependence."

Mr. Speaker, the differences between Congressman Howard's statements and those Republican statements and the differences in the philosophies underlying them could not possibly be more stark. On the one hand you have Congressman Howard, a man of great compassion, expressing what most Americans believed then and still believe now, that Medicare is a hugely successful program which have been responsible for dramatically enhancing the quality of life of senior citizens and that this, in turn, has enriched the lives of all Americans, young and old.

On the other hand, Mr. Speaker, you have the Republican leadership of the 104th Congress tearing down Medicare as somehow unAmerican and implying that senior citizens should be ashamed of themselves for using their hard-earned Medicare benefits to pay for their health care, that participating in Medicare is somehow learning the lessons of dependence.

Of course, none of this is at all surprising. It is exactly what congressional Republicans have been saying about Medicare since it was started. After all, the congressional Republicans of today are indeed the direct ideological descendants of the party that did everything it could to prevent Medicare from ever being enacted.

Next week, we will be marking another anniversary, the 30th anniversary of the House passage of the Medicare Program. Unfortunately, unlike when Jim Howard came to the floor 27 years ago, this anniversary is not an occasion for celebration. Rather, it is a time to rally against yet another wrong-headed Republican attack on Medicare.

So far the Republican side has tried very hard to keep the specifics of their plans to change Medicare a secret from the American people. Who can blame them when you consider that the vast majority of Americans are against them. But last week we noticed in the papers that Senator GREGG of New Hampshire announced legislation with the goal of replacing Medicare coverage with a voucher program.

Mr. Speaker, a voucher system, no matter how you cloak it, amounts to turning back the clock 30 years and abrogating the contract Congress made with America's seniors. Republican proposals to implement a voucher system are motivated exclusively by their desire to reduce the Federal budget by \$270 billion at senior citizen's expense. The amount the voucher provides will not likely be based on the cost of a quality health care plan but, rather, what level of funding is politically acceptable in a given fiscal year.

The Federal Government would, in effect, be walking away from Medicare and saying to seniors, Here is what we can afford; you make up the difference and fend for yourselves.

Since the overwhelming majority of seniors live on fixed incomes, they will not be able to pay more. Most would be forced to buy inadequate coverage. Some may not be able to find any health insurance and, rather than having choice, as Republicans claim, seniors would struggle in an increasingly expensive insurance market to buy diminished coverage with limited funds.

In closing, Mr. Speaker, I would like to read from a statement that a senior citizen named Arthur Martin submitted to the Committee on Ways and Means on November 20, 1963. It poignantly conveys just why Medicare was needed then and why we need it today.

Mr. Martin said that his total income is his Social Security check of \$174, out of which he pays rent, utilities, food, et cetera. Three years ago, he said, he contracted bronchial asthma and was hospitalized five different times. The only remedy he had available was charity.

The stigma and indignity to self-respect to a resident of 50 years in the same community leading a respectable life as a taxpayer and in the evening of his life having to resort to charity was unbearable and humiliating. Whatever savings he had were wiped out in hospital and medical care.

Mr. Speaker, unless these Republicans plans are stopped in their tracks, we are going to turn back the clock and create another generation of seniors who face the same indignity and pain that Mr. Martin endured 30 years ago, before we had Medicare. That would truly be an American tragedy, which I think that we in this Congress have to stop.

#### AMERICAN PRINTING HOUSE FOR THE BLIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. WARD] is recognized for 5 minutes.

Mr. WARD. Mr. Speaker, this weekend—yesterday—I did a tour of the American Printing House for the Blind. Let me restate that name: the American Printing House for the Blind. It is in the center of the United States of America, and it happens to be in Louisville, KY, in my district. This is where services for the blind are generated in terms of printing.

The American Printing House for the Blind produces such works as this geography of the United States printed in Braille. What we see here is the only page that is printed in ink, in fact, because this is a supplement for a geography book.

What you will see from here on in, and I do not believe the camera will be able to pick this up, because it is Braille, there might be a little, there might be an ability on the camera to see some of these bumps. This is Braille. This is printed in very short

runs, very limited editions for those people in our country who cannot study because of their eyesight.

□ 1220

That is people who are totally blind or in some other way are legally blind.

The reason I bring this up, Mr. Speaker, is that in the budget that is being marked up in the Committee on Appropriations right now; there is a 40-percent cut in the Federal expenditure at the American Printing House for the Blind in Louisville. That 40 percent is only \$2 million, \$2 million, which will not have the effect of balancing our Federal budget. It does not even represent one-thousandth of 1 percent of the tax cut that is being included in this next Federal budget, not even one-thousandth of 1 percent.

However, what it does to the American Printing House for the Blind in Louisville and the impact it has all over this country can be devastating. That is because there is no other supply for these kinds of materials. This is an American history book. As Members can see, it seems awfully big. In fact, it is just one of four volumes that are needed because of the large print. These are reprinted directly off of a standard American history textbook, but done in huge print for those who have some sight to be able to study. They are done in very limited runs.

There is no commercial alternative for either of these kinds of volumes. What we will see is a reduction by 40 percent if this budget cut goes through in the actual services, these actual kinds of materials, that are to be used by our blind children in this country.

We are talking about \$107 a year that is set aside for each legally blind child in America, up to college age, not including college age, high school or less, \$107 that is currently available to be spent by their school all over the country at the American Printing House for the Blind.

A 40-percent reduction, Mr. Speaker, would be unthinkable. A 40-percent reduction would do exactly what we are talking about up here not doing, because what we have been hearing for the last 6 months, and what we are all committed to, is helping people to help themselves, putting people in a position to get along a little better, to be able to do a little better for themselves and provide for themselves a little better. However, if we reduce by 40 percent the amount of school materials that young blind people in this country can have to enhance their studies and continue their studies, we will be making it harder for them to take care of themselves as time goes by.

I ask the Members of the Congress to join me in restoring this 40 percent to the American Printing House for the Blind and make sure that all of our blind children in America have the opportunity to learn and then later to earn.

#### TOBACCO AND AMERICA'S YOUTH

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. WAXMAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, I have taken out this special order to talk about the No. 1 threat to the health of our children—tobacco.

This week, data from the National Institute on Drug Abuse shows that we are losing the battle to keep cigarettes away from children. In just 3 years, there has been a 30-percent increase in smoking among 13- and 14-year-olds. Nearly one-third of high school seniors smoke cigarettes.

This is a health crisis of huge dimensions. Every day, 3,000 children start smoking. One-third of these children will eventually die from their tobacco addiction.

Why is this happening? The answer is obvious. The tobacco industry spends \$5 billion a year—over \$10 million a day—on tobacco advertising and promotion. Much of this effort is specifically targeted at children. To keep its profits flowing, the industry has developed clever promotions like Joe Camel and the Marlboro Country Store aimed directly at children.

The administration is trying to protect our children from tobacco. As reported last week, FDA Commissioner David Kessler has found that tobacco is an addictive drug. He has called for commonsense regulation to protect children—like banning cigarette vending machines. I believe the President will support these efforts.

Unfortunately, when word of the administration's actions leaked out, it encountered fierce resistance on Capitol Hill. The Speaker said that Commissioner Kessler must be "out of his mind" to consider regulating tobacco. Other Members promised Congress would intervene to prevent regulation from going forward.

It is against this backdrop that I am here today. This hour, I will be reading into the RECORD excerpts of dozens of previously secret documents from the Nation's largest tobacco company, Philip Morris. These documents make a compelling case for regulation of tobacco to protect children. I hope they will dissuade Members of this body from any legislative effort to block regulation.

Last year, when I served as chairman of the Health and the Environment Subcommittee, we commenced an investigation of the tobacco industry. We learned more in that year than we had learned in the previous decade about tobacco industry efforts to study and manipulate nicotine, an addictive drug.

The subcommittee's investigation was cut short prematurely by the elections. In particular, we were able to learn very little about the activities of

the Nation's largest tobacco company, Philip Morris. Two out of every three cigarettes smoked by children are Marlboro cigarettes—a Philip Morris product. But we learned far less about Philip Morris than its much smaller rival, Brown & Williamson.

Since the election, I have continued my investigation as an individual Member of Congress. I have been handicapped by the inability to hold hearings or hire an investigative staff. But nonetheless, I have learned a tremendous amount about Philip Morris. I am here today to report on what I have learned to this body.

I am here to report that Philip Morris researchers administered painful electric shocks to college students to determine the influence of anxiety on student smoking habits.

I am here to report that Philip Morris studies third-graders to determine if hyperactive children are a potential market for cigarettes.

I am here to report that the company planned illegal experiments that involved injecting human subjects with nicotine.

And I am here to report that as early as 1969, the board of directors of Philip Morris was briefed by its researchers on the addictive nature of nicotine. The board was told that people smoked to obtain "the pharmacological effect of smoke" and that smokers' craving for this effect is so strong that it "preempts food in times of scarcity on the smoker's priority list."

The documents that I will be discussing today describe the secret research activities of Philip Morris from January 1969 to November 1980. Some of these documents were described in a front-page article in the *New York Times* on June 8, 1995. Most of the documents, however, have never previously been discussed in public.

Last month, I wrote Philip Morris to ask the company to cooperate with FDA's investigation by turning over the documents described in the *New York Times* to FDA. However, the company refused to cooperate.

Three major points emerge from the documents I will describe today:

First, Philip Morris conducted an extensive, but secret, research program into nicotine pharmacology for over a decade.

Second, top Philip Morris scientists and executives have known for decades that cigarettes have powerful and addictive pharmacological effects.

Third, Philip Morris conducted secret research that focussed on the pharmacological effects of cigarettes on children and college students.

#### THE SECRET NICOTINE PHARMACOLOGY PROGRAM

The documents I will describe today cover the period from January 1969 to November 1980. They describe an intensive investigation into nicotine pharmacology, involving dozens of previously secret studies.

The studies described in the document range from traditional pharmacology involving animal experiments to high-technology electroencephalography [EEG], which measures human brain waves. Some of the studies raise troubling ethical questions. And some appear to be simply illegal.

Three of the documents describe experiments that were to involve injecting nicotine into human subjects. Such experiments are illegal without the approval of the federal Food and Drug Administration. In another series of five experiments described in the documents, Philip Morris administered "painful" electric shocks to human subjects. Experiments that inflict pain are ethically dubious unless they are being conducted for beneficial purposes.

The volume of the experimentation is staggering. In one typical year—1979—at least 16 separate studies on nicotine pharmacology were conducted by three different Philip Morris laboratories:

First, the Animal Behavior Group conducted six experiments on topics such as "nicotine discrimination" and "nicotine self-administration." These are the same studies that are used by the National Institute on Drug Abuse to establish the addiction potential of drugs.

Second, the Neuropsychology Laboratory conducted five experiments on topics such as "effects of smoking on the electroencephalogram" and "long-term deprivation and the electrical activity of the brain." These studies are designated to show the pharmacological effects of cigarettes on the human brain. Third, the Smoking Behavior Group conducted five studies on topics such as the behavioral consequences of smoking low-nicotine cigarettes. These studies were used to learn how smokers respond to changes in nicotine delivery.

Philip Morris conducted these studies for commercial reasons. The document describing the plans and objectives for the Behavioral Research Laboratory in 1979 states expressly that "the rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products."

There is no reason to believe that the documents provide a comprehensive summary of Philip Morris' nicotine research. As I will discuss, congressional hearings I held last year disclosed that nicotine research occurred after the period covered in this report. Moreover, most of the documents discuss the activities of Philip Morris' Richmond, VA, research center. The documents contain only fleeting references to nicotine studies being conducted by Philip Morris in Cologne, Germany, and Neuchatel, Switzerland. Virtually nothing is known about these secretive foreign research programs.

TOP PHILIP MORRIS SCIENTISTS AND EXECUTIVES KNEW CIGARETTES HAVE POWERFUL AND ADDICTIVE PHARMACOLOGICAL EFFECTS

On April 14, 1994, Philip Morris CEO William Campbell testified before the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce that "cigarette smoking is not addictive," that nicotine is retained in cigarettes because nicotine "contributes to the taste of cigarettes," and that "Philip Morris research does not establish that smoking is addictive." The documents I will describe conflict fundamentally with these statements.

The documents show that top Philip Morris scientists and executives knew that cigarettes have powerful and addictive pharmacological effects. For instance, the documents show:

First, during the fall of 1969, the Philip Morris Board of Directors was briefed by Philip Morris researchers on why people smoke. The researchers told the board that people smoke to obtain "the pharmacological effect of smoke." The researchers further told the Board that smokers' craving for this "pharmacological effect" is so strong that it "preempts food in times of scarcity on the smoker's priority list."

Second, in November 1974, Philip Morris' Director of Research, Thomas Osden, who subsequently became vice president for science and technology, approved and sent to the then vice president for research and development, Helmut Wakeham, and other Philip Morris officials a report stating that the consumer smokes "to achieve his habitual quota of the pharmacologically active components of smoke" and that stopping smoking produces "reactions . . . not unlike those to be observed upon withdrawal from any number of habituating pharmacological agents."

Third, in March 1980, Philip Morris researcher Jim Charles, who subsequently became vice president for research and development, wrote the then vice president for research and development, Robert Seligman, that "nicotine is a powerful pharmacological agent with multiple sites of action and may be the most important component of cigarette smoke." He added that "nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as 'the reason for smoking.'"

Contrary to Philip Morris' public statements that cigarettes are not a drug, the documents are replete with statements that describe cigarettes in explicitly drug-like terms. The documents, for instance, include many references to "pharmacological effects," "dose control," "withdrawal syndrome," "nicotine regulators," "nicotine dose," "nicotine pharmacology,"

"nicotine administration," "nicotine analogues," and "blood nicotine levels."

PHILIP MORRIS CONDUCTED RESEARCH ON THE EFFECTS OF CIGARETTES ON CHILDREN AND COLLEGE STUDENTS

One of the most significant revelations in the documents is that Philip Morris conducted pharmacological research specifically targeted at children and college students.

One of the longest-running studies in the documents addresses the "hyperkinetic child as a prospective smoker." In this study, Philip Morris collaborated with the Chesterfield County school system in Richmond, VA, to determine whether hyperkinetic and borderline hyperkinetic children will become cigarette smokers in their teenage years. The researchers explained:

It has been found that amphetamines, which are strong stimulants, have the anomalous effect of quieting these children down. Many children are therefore regularly administered amphetamines throughout grade school years. . . . We wonder whether such children may not eventually become cigarette smokers in their teenage years as they discover the advantage of self-stimulation via nicotine. We have already collaborated with a local school system in identifying some such children in the third grade.

This research began in 1974. It continued until 1978, when it had to be terminated prematurely because of objections from the school system and physicians.

Many of the studies conducted by Philip Morris investigated the pharmacological effects of cigarettes on college students. These studies provided scientific data about the youngest segment of the cigarette market lawfully available to Philip Morris. Moreover, because there is no bright line that separates college students from underage smokers, the studies also provided Philip Morris with considerable insight into the underage market.

In one series of experiments with college students—code-named "Shock I, II, III, IV, and V"—Philip Morris administered electric shocks to the students to determine if student smoking rates increase under stressful conditions. This study began in 1969. It ultimately had to be terminated in 1972 because "fear of shock is scaring away some of our more valuable students."

In another study, Philip Morris gave college students low-nicotine cigarettes in an attempt to force the students "to modify their puff volumes, inhalation volumes, and/or smoke retention times in order to obtain their usual nicotine dose."

Philip Morris maintains publicly that it does not target children in advertising, cigarette sales, or other ways. The documents undermine this claim—at least as it applies to scientific research. They show that Philip Morris has targeted children and college students, the youngest segment of the market, for specific research projects.

At this point, I want to begin to read excerpts from the documents. I have organized the documents chronologically, beginning in January 1969 and continuing to November 1980.

CHRONOLOGY OF PHILIP MORRIS RESEARCH ON NICOTINE PHARMACOLOGY

*January 1969.*—A Philip Morris report describes "objectives and plans" for its Smoker Psychology Program. These objectives and plans provide the first recognition in the documents that cigarettes have psychopharmacological effects and are smoked for need-gratification.

One objective mentioned in the report is an "attempt to teach a rat to seek the inhalation of cigarette smoke \* \* \* through the reinforcing effect of the psychopharmacological effects of the inhaled smoke." This objective is noteworthy because a hallmark of an addictive substance is that the substance is reinforcing and will be self-administered by rats. As described later in this chronology, Philip Morris succeeded in 1980, well in advance of the rest of the scientific community, in showing that nicotine has this hallmark characteristic of an addictive substance.

A second objective mentioned in the report is to determine whether "there is any product that can potentially replace the cigarette in need-gratification."

Source: P.A. Eichorn and W.L. Dunn, "Plans and Objectives—1600"—January 8, 1969.

*August 1969.*—A Philip Morris scientist, William Dunn, proposes that research techniques used to study "drug addiction" be applied to study "the experiences of smokers in their efforts to discontinue the habit."

Dunn had visited a drug addiction study being conducted by Dr. Paul Lazarsfeld at Columbia University. Impressed by the study, Dunn wrote to Helmut Wakeham, the vice president for research and development at Philip Morris, to propose that Dr. Lazarsfeld study "the experiences of smokers in their efforts to discontinue the habit." Dunn argued that the drug addiction methodologies would be "highly effective" in studying the cigarette habit:

I saw this approach in operation in the drug-addiction conference. In its current application it appears highly effective. I can see no reason why it should not be as effective for the proposed study.

Source: Memorandum on "Discussions with Professor Lazarsfeld on the Study of Discontinuing Smokers," from W.L. Dunn to H. Wakeham—August 1, 1969.

*Fall 1969.*—Philip Morris researchers brief the Philip Morris Board of Directors on why people smoke. The researchers tell the Board that a smoker begins to smoke at age 16 "to enhance his image in the eyes of his peers." This psychosocial motive, however, is not enough to explain continued smok-

ing. The researchers tell the board that people continue to smoke to obtain "the pharmacological effect of smoke." According to the researchers, the smoker's desire for this pharmacological effect is so strong that it "preempts food in times of scarcity on the smoker's priority list."

Specifically, the researchers tell the Board:

We are beginning to concentrate on the smoker himself. We are addressing the question, "Why do people smoke." . . .

First, we have to break the question into its two parts: No. 1, Why does one begin to smoke? and No. 2, Why does one continue to smoke?

There is general agreement on the answer to the first part. The 16 to 20 year-old begins smoking for psychosocial reasons. The act of smoking is symbolic; it signifies adulthood, he smokes to enhance his image in the eyes of his peers.

But the psychosocial motive is not enough to explain continued smoking. Some other motive force takes over to make smoking rewarding in its own right. Long after adolescent preoccupation with self-image has subsided, the cigarette will even preempt food in times of scarcity on the smoker's priority list. The question is "why?" . . .

We are of the conviction . . . that the ultimate explanation for the perpetuated cigarette habit resides in the pharmacological effect of smoke upon the body of the smoker, the effect being most rewarding to the individual under stress.

Source: "Ryan/Dunn Alternate—Third Version of Board Presentation"—fall 1969, delivered with only minor changes.

*December 1969.*—Philip Morris commences the first of several series of studies of smoking by college students. The first series is called "Shock I, II, III, IV, and V." In these studies, college students are given electric shocks to promote anxiety. The purpose of the studies is "to show that cigarette smoking is more probable in stress situations than in nonstress situations." According to the researchers:

Shock intensity will be adjusted for each subject according to the subject's pain threshold. The shock will be painful.

The Shock studies run for three years. In October 1972, the scientists are finally forced to abandon the research because "fear of shock is scaring away some of our more valuable subjects."

Source: Memorandum on "Proposed Research Project: Smoking and Anxiety," from F.J. Ryan to W.L. Dunn—Dec. 23, 1969; Frank Ryan, "Shock I, II, III, and IV," in Consumer Psychology Monthly Report—Sept. 16 to Oct. 15, 1971; Frank Ryan, "Shock V," in Consumer Psychology Monthly Report—Jan. 15 to Feb. 15, 1972; P.A. Eichorn and W.L. Dunn, "Quarterly Report—Projects 1600 and 2302"—Oct. 5, 1972.

*September 1970.*—Philip Morris develops a five-year plan for the Smoker Psychology Program. Two of the research goals are first, to determine whether "the smoking habit can be

sustained in the absence of nicotine" and second, to "elucidate the role of nicotine as a factor in determining cigarette acceptability."

Source: P.A. Eichorn and W.L. Dunn, "Five-Year Objectives and Plans for Project 1600"—Sept. 25, 1970.

*November 1971.*—Philip Morris continues its study of smoking by college students in a project titled "Desire to Smoke." In this study, "all available college students will fill out a questionnaire rating their desire to smoke" so that Philip Morris can "compare the rated desire to smoke with our existing personality profiles."

Source: Frank Ryan, "Desire to Smoke," in *Consumer Psychology Monthly Report*—Oct. 16 to Nov. 15, 1971.

*January 1973.*—Philip Morris commences three studies to determine "what effect, if any, smoking has upon the magnitude of shifts in arousal level, with heart rate being used as the index of this psycho-physiological state."

Source: P.A. Eichorn and W.L. Dunn, "Quarterly Report—Projects 1600 and 2302"—Jan. 5, 1973.

*February 1973.*—Philip Morris begins a study of the effect of smoking on "alpha brain wave dominance"—that is, the effect of smoking on the electrical activity of the brain. The researchers involved in the study state:

Alpha brain wave dominance is associated with states of tranquility and meditation. . . . As part of our continuing search for the motivationally relevant effects of smoking, we are investigating the influence of smoking upon the rate of acquisition of alpha wave control.

Source: W.L. Dunn, "Smoking and Rate of Learning Alpha Control," in *Smoker Psychology Monthly Report*—Jan. 1 to Jan. 31, 1973.

*June 1974.*—Philip Morris commences a four-year study of smoking by "hyperkinetic" children to determine if they will "discover the advantage of self-stimulation via nicotine" and "become cigarette smokers in their teenage years."

In June 1974, the researchers conducting the study write:

It has been found that amphetamines, which are strong stimulants, have the anomalous effect of quieting these children down. Many children are therefore regularly administered amphetamines throughout grade school years. . . . We wonder whether such children may not eventually become cigarette smokers in their teenage years as they discover the advantage of self-stimulation via nicotine. We have already collaborated with a local school system in identifying some such children in the third grade. . . . It would be good to show that smoking is an advantage to at least one subgroup of the population.

In March 1975, the researchers describe their intention to increase the size of the study of "hyperkinesis as a precursor to smoking" to 60,000 children:

The size of our prospective study should be increased to the base of about 60,000 children

when a local school system extends its student evaluation three more grades this spring.

In July 1975, the researchers report the status of their investigation of the "hyperkinetic child as a prospective smoker" to Helmut Wakeham, the vice president of research and development at Philip Morris, and other Philip Morris officials. Specifically, they tell the Philip Morris vice president:

We hypothesize that the characteristics of smokers and hyperkinetic children so closely resemble each other that in the past hyperkinetics were almost sure to become smokers. . . . We have undertaken a long term prospective study to identify the hyperkinetic and borderline hyperkinetic youngsters in Chesterfield County school system, and to see whether they become smokers. All the children in one grade level were tested last year.

In May 1977, Philip Morris continues its investigation into the smoking habits of hyperactive children by initiating two prospective studies with pediatricians treating hyperactive children. In these studies, Philip Morris will track the hyperactive children and a group of controls to see whether they have become smokers. Philip Morris will then "help our colleagues find the variables which account for drug-responding and non-responding."

Finally, the study of hyperkinetic children stops in March 1978, due to objections from school systems and physicians. The researchers write:

Obstacles presented by school systems and physicians concerned with the various "privacy acts" passed by state and national legislatures have made it very difficult for us to conduct studies using school and medical records of minors.

Source: F.J. Ryan, "Relationship between Smoking and Personality," in *Smoker Psychology Monthly Report*—June 10, 1974; Frank Ryan, "Hyperkinesis as a Precursor of Smoking," in *Smoker Psychology Monthly Report*—Mar. 10, 1975; "Behavioral Research Annual Report," approved by W.L. Dunn and distributed to H. Wakeham et al.—July 18, 1975; F.J. Ryan, "Hyperactivity," in *Smoker Psychology Monthly Report*—May 13, 1977; F.J. Ryan, "Hyperkinetic Children," in *Smoker Psychology Monthly Report*—Mar. 10, 1978.

*November 1, 1974.*—Philip Morris' director of research, Thomas Osdene, who later becomes vice president for science and technology, approves and sends an annual report on behavioral research to the vice president for research and development, Helmut Wakeham. The report shows that by 1974, top company officials plainly consider cigarettes to be a drug. The report analogizes smoking to drug use, stating "dose control continues even after the puff of smoke is drawn into the mouth"; it asserts that a person smokes "to achieve his habitual quota of the pharmacologically active components of smoke"; and it hypothesizes that stopping smoking produces "reac-

tions . . . not unlike those to be observed upon withdrawal from any number of habituating pharmacological agents."

The report also summarizes the status of a number of Philip Morris studies, including a study of smoker compensation when nicotine levels in cigarettes are reduced. Compensation studies, which are repeatedly discussed in the documents, assess the attempt of smokers to increase their nicotine intake through smoking more cigarettes or taking longer puffs.

Source: "Behavioral Research Annual Report, Part II," approved by T.S. Osdene and distributed to H. Wakeham et al.—Nov. 1, 1974.

*December 1974.*—A Philip Morris document discusses the company's nicotine research program in Neuchatel, Switzerland. This is the only document describing these secret activities. The Switzerland researchers, who were also heavily involved in nicotine research, report that a "compensation mechanism seems to be in operation for a proportion of the consumer population to adjust the nicotine yield to their needs or liking."

Source: Gustafson and Haisch, "PME Research: 1972-74."

*March 1975.*—Philip Morris continues its study of smoking by college students by examining whether smoking by college students increases following a 2-hour deprivation period. Preliminary data suggest that students compensate for deprivation by smoking more and taking more puffs.

Source: Quarterly Report Memorandum, from W.L. Dunn to T.S. Osdene—Mar. 25, 1975.

*July 1975.*—Philip Morris commences its first study of "the black menthol smoker." The researchers explain:

The black menthol smoker is an important segment of the menthol market, yet all of the PM national field tests of menthol cigarettes have been conducted with virtually all white panels. What with some 500 black menthol smokers having become available with the advent of the RP3 panel, the opportunity was afforded to study the black response to menthol cigarettes.

Source: "Behavioral Research Annual Report," approved by W.L. Dunn and distributed to H. Wakeham et al.—July 18, 1975.

*September 1975.*—Philip Morris scientist W.L. Dunn describes smokers' abilities to compensate for reduced nicotine in cigarettes as "dose-regulating mechanisms of remarkable precision and sensitivity." He explains in detail how a smoker could compensate for a 15 percent reduction in nicotine in Marlboro cigarettes by "more efficient extraction of the goodies." He writes:

To accommodate to the 15% reduction in available Marlboro nicotine, the smoker who was getting 50% of the available nicotine over into his blood from the Marlboro . . . now must get 59% of what the current Marlboro offers him. He can take bigger puffs, or inhale more from the supply drawn into the

mouth . . . or for more efficient extraction of the goodies, he can draw it deeper or hold it in longer.

Source: Letter from W.L. Dunn to Stanley Schachter (Sept. 8, 1975).

*February 1976.*—Philip Morris continues its study of smoking by college students by attempting to identify "nicotine regulators" among college students. A major goal of the study is to determine if Philip Morris can "force" students who are given low-nicotine cigarettes "to modify their puff volumes, inhalation volumes, and/or smoke retention times in order to obtain their usual nicotine dose." Nicotine regulators are described by Philip Morris in the documents as smokers who compensate for nicotine deprivation by increasing their intake of nicotine.

Source: Carolyn Levy, "Regulator Identification Program," in *Smoker Psychology Monthly Report*—Feb. 10, 1976.

*June 1976.*—Philip Morris researchers discuss "why people start to smoke." They summarize the data indicating that most smokers begin to smoke between 10 and 18 years old. They then state that one of the reasons for continued smoking is that cigarettes serve "as a narcotic, tranquilizer, or sedative."

Source: Memorandum on "Why People Start to Smoke," from A. Udow to J.J. Morgan—June 2, 1976.

*December 1976.*—Philip Morris scientists report a "consensus of investigators" that "the reinforcement of the smoking act is the effect of smoke component action in the central nervous system." They propose setting up an electroencephalographic or "EEG" laboratory "to seek an ultimate explanation of cigarette smoking among the nicotine or smoke-component-related events of the central nervous system." The new EEG equipment would enable Philip Morris to monitor the brain waves of smokers.

Source: Memorandum on "Rationale for Investigating the Effects of Smoking Upon Electroencephalographic Phenomena," from W.L. Dunn to T.S. Osdene—Dec. 22, 1976.

*November 1977.*—Philip Morris continues its study of smoking by college students. In a new experiment, Philip Morris attempts to distinguish students who smoke out of "habit" from those who smoke out of "need." The researchers explain:

Although nicotine intake appears a critical mainstay of tobacco consumption, not all people smoke for nicotine on all occasions. . . . All . . . cigarettes contribute to the total nicotine in the system, so that a cigarette smoked out of habit will delay the time until a cigarette is smoked out of need.

Source: F.J. Ryan, "Habit and Need Cigarettes," in *Smoker Psychology Monthly Report*—Nov. 11, 1977.

*December 1977.*—Philip Morris researchers report to the Director of Research their view that "nicotine com-

ensation is a real phenomenon" and that "some people smoke for nicotine and \* \* \* try to obtain a relatively constant amount of nicotine from their cigarettes."

The report also states that Philip Morris has "effected an arrangement with a university affiliated hospital for injecting nicotine in humans for discrimination studies." FDA approval is required before conducting nicotine injections, but in this case and the other instances of human injection mentioned in the documents, no such approval apparently was.

Source: Memorandum on "Behavioral Research Accomplishments—1977," from W.L. Dunn to T.S. Osdene—Dec. 19, 1977.

*March 1978.*—Philip Morris launches its "nicotine program." The program is to involve central nervous system ("CNS") behavioral testing, studies of the "molecular basis of nicotine pharmacology," and "nicotine analogue preparation."

On March 15, 1978, the Philip Morris researchers involved in the program write:

An effective nicotine program must include both peripheral and CNS bioassay. . . . It is clear that CNS studies represent the most complex, state-of-the-art concepts. Ultimately, the isolation and characterization of the nicotine CNS receptors are the major goal. Many steps must come first. These include (1) pharmacological location of sites of nicotinic action using both cannulae and various tissue sections; (2) measurement of electrochemical activity following drug administration; (3) various techniques including photoaffinity labeling and binding studies as aids a receptor isolation (4) receptor identification and characterization.

On March 31, 1978, they elaborate further, describing "CNS behavioral testing" that is "needed in the immediate future":

Nicotine discrimination, self-administration and tolerance studies will enable us to examine the cuing and reinforcing properties of nicotine and nicotine analogues in rats. These are state-of-the-art bioassays for central nervous system activity which we believe will serve as useful models of human smoking behavior.

These CNS studies are significant because they are the same studies used by the National Institute on Drug Abuse to determine the addiction potential of a drug. A substance that a self-administered and reinforcing has addiction potential because it induces repeated and compulsive use.

The researchers also propose conducting studies into the "molecular basis of nicotine pharmacology," because "we must begin to gain expertise in experimentation dealing with nicotine receptor technology." Nicotine receptors are the structures in the brain to which nicotine attaches after entering the blood stream.

Source: Memorandum on "Nicotine Program," from J.I. Seeman to T.S. Osdene—Mar. 15, 1978; Memorandum on

"Nicotine Program: Specific Implementation," from J.I. Seeman et al. to T.S. Osdene—Mar. 31, 1978.

*September 1978.*—Philip Morris develops a new five-year plan for research and development. A major component of the plan is the nicotine analog program, which is based on the recognition that "nicotine may be the physiologically active component of smoke having the greatest consequence to the consumer."

Specifically, the plan states:

Nicotine may be the physiologically active component of smoke having the greatest consequence to the consumer. Therefore, we are studying the differences in physiological effects between nicotine and its analogues to determine the mode of nicotinic action. If acquired, this knowledge may lead to a substance which will produce the known desirable nicotinic effects and greatly diminish any physiological effects of no benefit to the consumer.

Source: Philip Morris, USA, "Research and Development Five Year Plan, 1979-1983"—Sept. 1978.

*December 1978.*—Philip Morris presents its objectives for the Behavioral Research Laboratory for 1979. The objectives are significant for two reasons:

First, they describe intense research activity, involving over 15 different investigations, into nicotine pharmacology.

Second, they link the laboratory's nicotine research to the development of "new and improved smoking products" that capitalize on the research.

The Philip Morris researchers state their overall objective as follows:

All of the effort of the Behavioral Research Laboratory is aimed at achieving this objective: To understand the psychological reward the smoker gets from smoking, to understand the psychophysiology underlying this reward, and to relate this reward to the constituents in smoke.

The researchers explain that to achieve this objective, three general lines of research will be pursued:

1. The effects of nicotine and nicotine-like compounds on animal behavior.
2. The effects of smoke and smoke constituents upon the electrical activity in the human brain.
3. The effects of changes in smoke composition upon puffing behavior, inhalation behavior and descriptive statements by the smoker.

The "rationale for the program" is its potential commercial application. Specifically, the researchers state:

The rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

The researchers then describe six studies being conducted by the animal behavior group—"nicotine discrimination," "tail flick," "monitoring of motor activity," "prostration syndrome," "nicotine self-administration," and "rat EEG"; five studies being conducted by a new neuropsychology laboratory set up "to understand the interrelations between

cigarette smoking and the human brain"—"effects of smoking on visually evoked response," "search for other evoked responses," "effects of smoking on the electroencephalogram," "long-term deprivation and the electrical activity of the brain," and "comparison of three routes of nicotine administration"; and five studies being conducted by the smoking behavior group—nicotine detection, masking of nicotine, nicotine's affect on cigarette acceptability, behavioral consequences of low-nicotine cigarettes, and "mouthfeel" factors.

Three of the studies are especially noteworthy. First, the study comparing three routes of nicotine administration is significant because it again involved "intravenous injection" of human subjects with nicotine as one of the routes of administration. The other two routes of exposure were inhalation and ingestion. The study was designed to "answer several important questions," including "what is the relationship between blood nicotine levels and CNS activity"; "how soon following a given method of nicotine administration are effects seen in the CNS and for how long"; and "how are the human studies employing cigarette smoking similar to or different from animal studies employing nicotine injection."

Second, the study of long-term deprivation and the electrical activity of the brain is important because it involved measuring the brain waves of quitters to learn whether "brains change in some fashion following the experience with tobacco." According to the researchers, this study was undertaken because "in terms of the electrical activity of the brain, there can be little doubt that smokers and non-smokers are very different."

Third, the study of the behavioral consequences of smoking low-nicotine cigarettes is significant because it involved designing special cigarettes "at or near the nicotine need threshold." As the researchers explained:

The low nicotine delivery will ensure that total nicotine in the system remains at or near the nicotine need threshold, thus maximizing the proportion of day's cigarette consumption which is smoked out of need. . . . The results may shed light on the manner by which nicotine control is achieved.

Source: Memorandum on "Plans and Objectives—1979," from W.L. Dunn to T.S. Osdene—Dec. 6, 1978.

January 7, 1980.—Philip Morris describes its objectives for the behavioral research laboratory for 1980. Many of the objectives are a continuation of the 1979 objectives. The Philip Morris researchers make several statements that again underscore the company's knowledge of nicotine's addictiveness.

The Philip Morris researchers state that "our theorizing on the role of nicotine suggests that cigarettes will be smoked whenever body nicotine content drops below a certain (unknown)

level." The researchers also state their view that smokers will experience withdrawal syndrome and evidence of nicotine dependence upon being given ultra-low-nicotine cigarettes.

In one noteworthy study, the researchers propose to use a place preference paradigm used to study morphine to study nicotine. Specifically, they state:

Mucha and Van der Kooy (1979) have reported that a place preference paradigm may be used to demonstrate the rewarding properties of morphine. We plan to use a similar paradigm to examine the rewarding properties of nicotine.

A second important study described in the report involves the effect to develop an assay for measuring the nicotine level in saliva. This assay would be used to confirm that "cigarettes will be smoked whenever body nicotine content drops below a certain (unknown) level."

Source: Memorandum on "Plans and Objectives—1980," from W.L. Dunn to T.S. Osdene—Jan. 7, 1980.

January 15, 1980.—Philip Morris describes its objectives for the Biochemistry Division for 1980 in a report from the director of research, Thomas Osdene, to the vice president for research and development, Robert Seligman. As in earlier reports, the objectives for this division include a heavy emphasis on nicotine.

Specifically, the report states that the objectives include:

1. To develop a fundamental understanding of the mechanisms by which nicotine and other tobacco alkaloids interact with the peripheral and central nervous system.
2. To determine if nicotine analogues can be designed which exhibit differential activity at different receptors. . . .
5. To perform . . . pharmacological testing of nicotine and its analogues.

Source: T.S. Osdene, "Plans and Objectives for 1980," distributed to R. Seligman et al.—Jan. 15, 1980.

March 1980.—Philip Morris's vice president for research and development, Robert Seligman, sends a memo to Philip Morris scientists soliciting their views on the value of continuing Philip Morris's support for the nicotine analog research being conducted by Dr. Leo Abood at the University of Rochester.

The researchers respond that the program should be continued. One researcher, Jim Charles, justifies support by explaining that "nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as 'the reason for smoking.'" Charles subsequently became the director of research at Philip Morris and later vice president for research and development.

Specifically, Charles states:

Nicotine is a powerful pharmacological agent with multiple sites of action and may be the most important component of cigarette smoke. Nicotine and an understanding

of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as "the reason for smoking." . . . Nicotine is known to have effects on the central and peripheral nervous system as well as influencing memory, learning, pain perception, response to stress and level of arousal.

Our ability to ascertain the structural features of the nicotine molecule which are responsible for its various pharmacological properties can lead to the design of compounds with enhanced desirable properties (central nervous system effects) and minimized suspect properties (peripheral nervous system effects). There are many opportunities for acquiring proprietary compounds which can serve as a firm foundation for new and innovative products in the future.

A second researcher refers to related work being conducted by Philip Morris in Germany, stating "for several years, we have been receiving data on peripheral screening of our nicotine analogues from Germany." According to the researcher, the work from Cologne, Germany, has been of the highest calibre.

Source: Memorandum on "Nicotine Receptor Program—University of Rochester," from R.B. Seligman to T.S. Osdene et al.—Mar. 5, 1980; Memorandum on "Nicotine Receptor Program—University of Rochester," from J.L. Charles to R.B. Seligman—Mar. 18, 1980; Memorandum on "Nicotine Receptor Program—University of Rochester," from E.B. Sanders to R.B. Seligman—Mar. 21, 1980.

November 1980.—Philip Morris describes its research objectives for the behavioral research program for 1981. The objectives again confirm the company's extensive interest in the pharmacological effects of nicotine.

The report describes the goals of the electrophysiology program as follows:

It is our belief that the reinforcing properties of cigarette smoking are directly related to the effects that smoking has on electrical and chemical events within the central nervous system. Therefore, the goals of the electrophysiology program are to: (I) Determine how cigarette smoking affects the electrical activity of the brain, and (II) Identify, as far as possible, the neural elements which mediate cigarette smoking's reinforcing actions.

The report describes the goals of a new behavioral pharmacology program as follows:

Objectives: I. To develop a better understanding of the behavioral pharmacological actions of nicotine, particularly the action which reinforces smoking behavior. II. Develop the empirical evidence which differentiates nicotine from classical abuse substances. III. Use behavioral pharmacology methods for evaluating the nicotine-likeness of nicotine analogues.

The report describes the goals of the experimental psychology program as follows:

Objectives: 1. To gain a better understanding of the role of nicotine in smoking. 2. To study basic dimensions of the cigarette as they relate to cigarette acceptability.

Two individual studies described in the report are especially important.

First, the report states that Philip Morris succeeded in developing a technique for inducing rats to self-administer nicotine. This is significant because self-administration is a hallmark characteristic of an addictive drug. Independent scientists, who were not informed of this secret Philip Morris research, did not demonstrate nicotine self-administration in the laboratory until 1989, nearly a decade after Philip Morris.

Second, the report describes a third planned experiment involving injecting nicotine into human subjects. The report states:

There are tentative plans for one other project in which nicotine will be delivered intravenously in different sized spikes of different duration, to yield a broader picture of the role of the spike, the level, and the reinforcement characteristics of the substance. The execution of this project . . . involves the dosing of numerous subjects with nicotine.

Source: Memorandum on "Plans and Objectives—1981," from W.L. Dunn to T.S. Osdene—Nov. 26, 1980.

#### SUBSEQUENT RESEARCH

What happened in the Philip Morris research laboratories after November 1980?

On April 28, 1994, two Philip Morris researchers, Victor DeNoble and Paul Mele, appeared before the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce, to testify about their research at Philip Morris from 1980 to 1984. They described how they used experimental techniques developed by the National Institute on Drug Abuse [NIDA] to determine the addiction potential of nicotine.

DeNoble and Mele's experiments primarily involved nicotine self-administration studies in rats. As described above, they found that rats would self-administer nicotine—one of the hallmark characteristics of an addictive drug.

DeNoble and Mele's work held great interest to top Philip Morris executives. According to their testimony, in mid-1983 they were flown to New York to brief senior management on their work. Then in November 1983, the President of Philip Morris, Shep Pollack, flew to Richmond to observe rats injecting nicotine in one of DeNoble and Mele's self-administration experiments. At that time, Pollack was informed by DeNoble that the procedures he observed were "the exact procedures NIDA would use to demonstrate abuse liability."

Despite Philip Morris's interest in their work, DeNoble and Mele were abruptly terminated in April 1984, due to concerns that their findings could bolster product liability claims against Philip Morris. Subsequently, Philip Morris threatened the two researchers with litigation if they disclosed their research activities in journals or at public forums.

DeNoble and Mele were involved in only one part of Philip Morris's intensive investigation of nicotine—the rat experimentation. Virtually nothing is known about what happened to the many other Philip Morris research initiatives after 1980.

#### CONCLUSION

The documents I have just read make it clear that Philip Morris is in the drug business. Its laboratories have been intensively involved in unlocking the secrets of nicotine pharmacology for decades. The documents themselves state that this pharmacological research was undertaken for commercial purposes.

The documents also indicate that this research was in important instances targeted specifically at children and college students.

In summary, these documents make it crystal clear that we need regulation of tobacco to protect our children from becoming addicted to a life-threatening drug.

Mr. Speaker, I have brought with me the documents I read from during the course of this hour. Pursuant to my earlier unanimous consent request, I am inserting the documents in the RECORD for publication.

[Documents referred to will appear in a future issue of the RECORD.]

□ 1315

#### SALUTE TO POLICE OFFICERS IN AUSTIN, TX

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized until 2 p.m.

Mr. DOGGETT. Mr. Speaker, thank heavens there are young men and women across this country who are willing to dedicate their lives to protecting the rest of us, who help to secure us in our neighborhoods and our homes, who protect us against crime and violence and crimes of property.

I particularly want to salute and recognize some of the young men and women, and I have actually brought pictures of them here today, who joined the men and women in blue last Friday night in Austin, TX.

You will see each of them is actually in a tan or khaki uniform because these are their cadet pictures, and on Friday night, they graduated from being cadets in the Austin Police Department to serving now and are today, as I speak, many of them are out patrolling the streets and the sidewalks of the city of Austin, TX, assuring that the good citizens of our community can go about their lives and their livelihoods without the threat of violent crime.

Today in this House and throughout this week we are going to have an opportunity to back up these young men and women who are out there patrol-

ling our streets or to abandon our commitment to them. And it is the concept of community policing and the important vote that this House will take this week when it takes under consideration the appropriations bill for the COPS Program that I wanted to address this afternoon.

You see, this particular class of young men and women is the largest class that we have had in Austin, TX, for some time, because it includes some 63 young men and women who have dedicated themselves to the protection of their neighbors there in central Texas, and the only reason that the class can include 63 cadets, now 63 new law enforcement officers in Austin, TX, is because of the backup of the Federal Government.

Of course, law enforcement must always be principally a local responsibility, and we are fortunate in Austin, TX, to have one of the finest law enforcement agencies in this entire country under the command of our chief of police, Elizabeth Watson.

In order to back up that strong local initiative, in recognizing our local communities are many times strapped for tax resources, the Federal Government can provide some support, not only through an occasional speech on the floor of the Congress or from the White House but actually by putting dollars where the Federal mouth is, and in this case something was done right by this Federal Government and something was done right on the floor of this House last September when a new crime offensive was approved by the House, over tremendous opposition, and that bill was signed into law, and within little more than a month of the time that that bill became law late last October, the city of Austin learned that it could go out and would have the Federal support, the Federal moneys that 25 of these 63 young men and women would be paid for through Federal tax dollars through the COPS Program.

We have had a real interest in Austin, TX, in community policing because we realize that getting our law enforcement officers into the community, knowing the people in the neighborhoods, backing up Neighborhood Watch, backing up crime stoppers, using every tool available to involve law enforcement officers with the neighborhoods in doing effective community policing was the best way to do something about the rising tide of crime that we had faced in Austin, TX.

So within a month of Congress acting, little more than a month, the city of Austin, like communities across this great land, learned that there would be Federal dollars to back up local efforts and to add new cadets to the training course. Come January of this year, our cadets began a very rigorous training that is done right there in Travis County, TX.

Last Friday night they completed that training and are now out serving.

But what an unusual coincidence, I must say, it is this week, just as these cadets hit the street and began protecting our citizenry, that we are faced with a critical vote that will probably come up tomorrow night or Wednesday morning in the Justice Department appropriations, and if that bill is approved in the form that is recommended to this House for action, we will yield in our support to these young men and women. We will be saying to communities across the country that the commitment to add 100,000 new law enforcement officers to our Nation's streets is a commitment that this Congress does not intend to fulfill.

I think that would be a serious mistake. That is why I want to draw attention to that appropriations bill this afternoon and particularly to an amendment that I believe will be offered by our colleague from West Virginia [Mr. MOLLOHAN], to restore support for the same program that has added these young men and women to our streets.

It is ironic that a group of people, our Republican colleagues who refer to themselves frequently at campaign time as law and order supporters, would be withdrawing support from the very program that put these people on the street.

You see, the administration backed the initiative here in Congress and signed it into law to get 100,000 new police officers on the street. But the bill that passed this Congress earlier in the year and the appropriations measure, instead of backing up our law enforcement officers, takes away the commitment of 100,000 new police and substitutes something that I guess you would have to call a blob grant because no longer do we stand by our commitment of 100,000 new officers. Rather, we say we are going to transfer to the States and localities a blob of Federal money that can be used for a variety of things.

Under the legislation passed, and as it would be funded as an alternative to actually putting law enforcement officers on the street, is an incredible amount of new bureaucracy. In this particular case, the reason the city of Austin was able to move so fast as communities across our country have done so is because all it had to do is file a simple application. It did not have to go through the bureaucracy of the State of Texas and get that bureaucracy involved in evaluating its application. It could come directly to the source of the money, and I know that that has been true in other States.

I see the gentlewoman from Colorado. I am sure you have had that experience in Colorado.

I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Not only have we had that experience, no one can believe

it is a one-page form. I mean it is a one-page form which is historic, I think, in this Federal bureaucracy that we have, and I find that my city of Denver has had the same experience yours has had.

We, first of all, feel very lucky that we live in the country where people call the police and call the police with great trust and, in fact, want more police because they feel the more police that are around, the safer the streets are going to be. You and I could stand here and name a lot of other countries where the last thing you might want to do is call the police. But here they call the police. They want the police.

In my city of Denver, having police on the beat, having police on the street, having police in the neighborhoods has just been a very exciting program and has truly remarkably reduced crime in 1 year. We saw it go down over 7 percent in 1 year.

It used to be every year we sat around waiting for those statistics to come out, wringing our hands, thinking how much worse is it going to get this year. But with these new police officers that we got funded, we are beginning to see a turnaround. We want it to go lower, of course. Of course, we do.

But I think what the gentleman is talking about is if we create this whole new tier of bureaucracy, if we go back to business as usual with the big complex form or if we allow the State to control the funds, we are not going to have this direct action, this fast action, this rapid action to get help to the cities, and they are the ones that are on the front line in most of this.

Mr. DOGGETT. I really appreciate the gentlewoman's observation because while I focused, naturally, on my community in central Texas, this is really just an example of what has been happening throughout this country.

As you know, I am new here to Washington. I think it is truly amazing from the time that you and others provided the leadership in this Congress to pass this bill and then it got signed, over this tremendous objection that you had, so many roadblocks and obstacles thrown up by what was at that time a Republican minority, the President signed the bill in September. By late October, cities across the country know they will have money coming, and here, 10 months later, we have across the country almost 3,000 new officers that are on the street. That is a Federal bureaucracy that was actually working the way it is supposed to: lean. It gets its office set up, gets any regulations it needs set up, and you actually have under the program that Austin and Denver benefited from, already 3,000 new officers; and in our smaller cities of under 100,000 there are almost 5,000 new officers under the COPS Ahead program; and still under another program of the COPS Fast program, which, I believe, is the one actu-

ally targeted at the smallest communities, there are about 7,000 officers that have come on there.

So that is the Federal Government for once operating the way it is supposed to do: getting a program started and actually getting the officers on the beat.

□ 1330

Mrs. SCHROEDER. Mr. Speaker, if the gentleman would yield further, in my locality we were very fortunate also in that we are one of four areas in the country where they have experimented with something called Project Pat. As my colleague knows, Attorney General Reno had been a local law enforcement officer, so she understands these layers of bureaucracy, and, when my district kind of exploded in crime, she was very sympathetic and said, "Let me try and get the State, the Federal Government, and the city government in the same room, and let them be planning from all agencies, all agencies of all levels, to make sure there isn't duplication, that they can respond rapidly, and they can really get funds out quickly to wherever there appears to be a problem," and, believe me, that has worked tremendously, too. We had a very quiet summer in Denver because of that type of response, whereas the summer before had been a great tragic one of day after day no one wanting to watch the news because if it bleeds, it leads, and there was a whole lot of bleeding, and it was almost the entire news hour.

So what I think the gentleman from Texas [Mr. DOGGETT] is worried about and what I am worried about is what we are apt to see when we take up this appropriations bill is really undoing the ability of the Federal Government to do that, that they are going to strike these funds, take away the sugar, and take away the ability to come forward with this very distinguished new group that you are so proud of. This is the new group that just graduated in Austin.

Mr. DOGGETT. This is just Friday night, and ironically they will begin their service this week on the very week that our Republican colleagues proposed to just pull away this entire commitment to 100,000 new police officers across the street. Twenty-five of these young men and women were funded through Federal dollars, and you know you have raised, as you so often do here on the floor of Congress, a very important point in referring to Attorney General Janet Reno and her experience in law enforcement because when I have talked, not just to these young men and women, but to our existing Austin Police Department officers, to law enforcement organizations around the country, I do not find any law enforcement experts coming forward and saying, "Junk this program that is actually providing us support."

Rather I find them agreeing with our chief of police in Austin, Elizabeth Watson, and I know the gentlewoman will be pleased to know that our leader in the law enforcement office in Austin is a woman who is doing an outstanding job in law enforcement. She said that these neighborhood enforcement teams that have been packed up with Federal dollars will really make a difference, and she is saying the same thing I am sure you hear in Denver, that I have heard from the various law enforcement organizations that have come before the committee on which you serve that have come here for press conferences here at the Capitol saying, "Please continue to lend us the support; this program works," but for some unfortunate partisan political reasons, just as this program begins to get the law enforcement officers on the street, our Republican colleagues want to jerk the rug out from under this program.

Mrs. SCHROEDER. Well, if the gentleman would yield, I think that is exactly what is happening, and unfortunately I hope by the end of the week what we are worried about has not come true.

But my police chief, David Rochard, is wonderful. He is very distinguished. He is in the National Cities or the Great Cities Police Chiefs League. I met with him a couple of weeks ago, and he was very distressed. He said this is the first group, meaning the new leadership in this Congress, that would not meet with the chiefs from the large cities in America. They have been banging on the door. Usually they say everybody is trying to get a hold of the police chiefs, and I would think you would want to talk to the police chiefs first. They are on the front line, they are the ones having to deal with this rising crime, and, if we are going to try to do something for them, we ought to ask them what would work the best, and, as he said during the crime bill, they were consulted constantly by the administration and by the then majority in Congress. But they have not been able to break through the door and get into to see anyone here. Not only have they not been asked, they cannot get in when they ask to get in.

He also was very upset; as my colleague knows, last week we saw this body cut back severely the funds that were to go for the violence against women, and again America's police chiefs have been saying young people are learning violence in a classroom, in their living room. They are learning it right at home, and they need that violence against women money to put in the hot line, to have more shelters, to do training of judges and police officers as to how to treat this and to get at that. Well, of course, that got gutted last week, and if this week you go after the police officers that we are now getting out on the street, we used ours

through community policing, and I assume, I am not sure that is what Austin is—

Mr. DOGGETT. Indeed we do, and you make such a vital point about the Violence Against Women Act portion of this. If I understand this same bill, it essentially eliminated all of the funding for the excellent work that you and your colleagues did last year in establishing a violence against women portion, a tremendous portion and a tremendous advance in this same piece of legislation, and about the only thing they left in the appropriation was the hotline for women who are abused and are the victims of violence to call in, and so the question that we have here today is whether, when they call in, there will be a law enforcement officer there to meet their calls along with the counselors, and our battered-women centers, and groups that work against violence, but will there be a law enforcement officer, or will all of the support for Federal support for law enforcement officers be pulled away and denied to communities across this country to support women who are the victims of violence and people across our society that suffer from either physical violence or crimes of property.

Mrs. SCHROEDER. Well, if the gentleman would further yield, I am so glad you stood up and are talking about this.

You were not here in the last term, but in the last term the Violence Against Women Act passed 411 to zero, 411 to zero. Now it is hard to get a larger mandate than that, even though the crime bill was a lot closer, but 411 to zero, and 1 year later the new majority feels perfectly able to go in and gut it even though many of them voted for it, and I think you are going to find exactly the same thing with police officers.

Show me a person who would not like to have more police officers in their neighborhood. They would. And we had a long 2-year dialog about this with Attorney General Reno, with police chiefs and everybody. They said this is now the money could be used the best. So we got going, we fast-forwarded, we made the form simple, and we did have some moderate Republicans join us. That is how we got the bill out of here finally. We were all excited, and now they have done to that—or they appear to be going to do to that what they did to the Violence Against Women Act last week, so I am so pleased that the gentleman is down here pointing this out.

Let us hope, if anyone is watching, it will be, Wake up America; no one is really safe. You think everyone is against crime, but they may not be for funding anything or really helping communities trying to fight crime.

Mr. DOGGETT. I thank the gentlewoman for that observation and would

add one other aspect of this, that seeing our colleague from California [Mr. MILLER] here, I know it is particularly important in California, but it is important in San Antonio, TX, as well, and that is that under this cops program one of the programs that is very important is the Troops to Cops Program. That is taking people who are leaving our military, who have obtained training in security as military police and other aspects of the military and channeling their skills into law enforcement and particularly in parts of our country that have had recent base closings. I would think there would be particular support for this Troops to Cops Program, and what an extraordinarily ill-timed initiative by our Republican colleagues to come in and gut this cops program at the very time that it could turn to those who will be leaving some of our military bases and help them get on the streets to make our—they have done a great job in protecting our national security, but now they can help us with our neighborhood security.

I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I want to thank the gentleman for taking this time to call attention to the concerns we have about the appropriations bills that come to the floor and the reduction of the cops portion of that bill.

I represent two communities in my district that were among—had among the highest crime rates in California, and unfortunately one of them had among the highest homicide rates in the State of California. But of those communities qualified for Federal moneys to expand their police forces, to expand the cops on the beat or to participate in the Cops on the Beat Program. Both of them used it for the purposes of community policing, along with the sheriff's agency in one of the countries that I represent, but in these two communities I have traveled with the police during the day, talked to the officers on the beat, and seen a remarkable, remarkable change in attitude as this money has allowed the police departments to expand into the communities.

In one case in Vallejo, CA, they have used them for a bicycle patrol within the commercial districts, and helping out the transit districts as large numbers of young people get out of school during a particular time during the day, and also used them for evening drug patrols, and drug activity has plummeted, the homicide rate is down considerably. They have been able to literally ride down and capture more individuals engaged in drug-related activity because they have been able to move along the railroad tracks, over hill, over dale, and also, as they point out, to very often surprise drug deals because they are just not cognizant that these bicycles coming down the

road are police officers. In Richmond, CA, they have used the officers on the beat again to make it safer for retail businesses to have people shop on foot, to come back downtown, to participate in the community. They have used it to patrol the housing projects, again bringing about a reduction in criminal activity. They have also related very strongly that they have—this money and this cops program has allowed them to spend additional time with some of the gang-related activities that we have experienced in both of these communities, and in one of the communities we have again seen a reduction in the gang violence.

This summer so far has been much different than the summer a year ago and a year and a half ago, and we hope that we will be able to continue that effort. Of course now the mayors of those cities and the city councils are concerned that either they are going to renege on these contracts for cops on the beat or they will not have the availability to try and reapply should that funding be available beyond the contract period.

We should not, we should not, diminish the success that we have, and we should not yank away these resources from the communities, whether it is in Austin, or in Colorado, in Boulder and Denver, elsewhere where I think we have shared these kind of experiences. The returns are just now starting to come in as these communities have been able to participate in this program, and for the Republicans now, almost what seems like almost spite because of the success of this program, because this program, I think, was successful for the administration, but they thought it up, they executed it, they got the money on the street, that now there is some desire just to whack this money, and it is going to be a terrible blow to the local law enforcement, certainly to community policing in many, many communities that desperately need this money and really do not have the wherewithal to replace it, and I want to commend the gentleman and thank him for taking this time and the gentlewoman from Colorado for participating in this.

Mr. DOGGETT. I appreciate your comments. As you know, one of the really good points about this program is, if you have a community of 100,000 or less, the entire application process is filling out one piece of paper and sending it directly to Washington. And what a contrast, as the gentleman knows, between that effective program and this new block grant program that the Republicans want to substitute. I note particularly, and I think this could have a particularly negative effect in California, that under their block grant program the Governor of the State has not less than 45 days to review and comment on the application. That is not true under existing

law. Your cities found out within 45 days of the President signing the law that the money was on the way. I do not know in California if Governor Wilson would even have time to look at the application since he is off and about the country.

Mr. MILLER of California. If the gentleman would yield, yes, we would not want to do that with an absentee Governor like we have now, but more importantly, our communities were able to take their circumstances, their crime rate, their concern about youth gang activities, and in the city of Richmond, the city of Vallejo, that have been suffering under increasing crime rates, they were able to take that situation, make this application, and very quickly determine whether or not they would be qualified for the first- or second-round grants that were made, and the fact of the matter is the money is now in the police department where it belongs, it is not being argued about within the city council over some other kind of way they can sneak out that block-grant money and use it for some other purposes.

□ 1345

It is in the police department, it is being directed at crime, and the results are coming in in terms of a diminishing crime rate in two communities, both Vallejo, CA, and Richmond, CA, that were having a real rough time fighting crime. They do not need the Governor's involvement. They do not need Congress' involvement. What they need is communications between the Justice Department and their own situation and a quick determination of whether or not they qualify or not.

Mrs. SCHROEDER. If the gentleman would yield, that is one of the things my communities have been very excited about. They have never seen such customer service relations as on this. One-page form, goes immediately, you put in a coupon and get an electronic transfer of the funds to your own bank. It is up and going.

I am a little fascinated that if this works so well, and if this is what the police chiefs want, and if it is so tremendously user friendly, why is everybody out to kill it this week?

Mr. DOGGETT. It is really extraordinary. I know the gentlewoman served on the committee that reviewed some of this legislation. Did the gentlewoman hear any good reason advanced for why a program that is putting on streets across this country, why we should pull the rug out from under that program and say that we need the Pete Wilsons and the George Bushes and the Governors and the State bureaucracies suddenly getting in the way of a program that takes money directly from Washington and puts it onto the streets and sidewalks of our communities across the country?

Mrs. SCHROEDER. Well, if the gentleman will yield, no, I did not hear any good response to that. Obviously, there are certain people who are totally into the punishment mode rather than prevention. I think the American people would much prefer a crime that is prevented.

Now, if it happens, then, yes, they are into punishment. But this was seen more as on the prevention side and they thought that that was soft, warm, fuzzy. I do not think so. I think the American people would much prefer a tough prevention program with cops on the beat and cops on the street. That is what they want to see. We got that, but for those who are still trying to say the Federal Government's role is only in prisons and only after they have been caught, we are in trouble.

I think one of the things we have all found is, first of all, block grants are not going to work well for any of our States, because if your population is growing, the funding is going to be on your old population. So some State is going to get your money where the people have left and moved into your State.

The next thing you are going to see is that people are going to try and knock this out. When cities start getting into trouble with crime, then the city starts getting hurt economically. The more it hurts economically, the less it has of its own money to get more police officers. So this is a way to help them get police officers, get back on their feet economically, and get people not worried about the crime rate and moving back in.

If you take this all away, we are back to where we were. Once communities get on that slippery slope of rising crime, they can be in real trouble and you can end up with an abandoned city.

Mr. MILLER of California. The genesis of this program was this was about putting police officer resources on the street, not about initiating a debate in city councils or boards of supervisors and the State legislature about what to do with a block grant form of money. This was about getting officers on the street to deal with the community.

I would suggest that our Republican colleagues ought to spend some time riding with these officers, walking with these officers, visiting the communities, talking to the merchants who for the first time feel comfortable in their communities because they know that these officers are around and about.

Many people lament the loss of community, the way it used to be. Well, the way it used to be was the people knew the police officers on the beat. They trusted them, they knew them, they could report activity to them. That, once again, in the communities I represent is returning. When I went around and talked to the merchants in Richmond, when I went around in

Vallejo and talked to the merchants, they said yes, now they knew that sometime during the day this officer would be there. They felt free to talk to them. To say gee, there are these groups congregating on the corner, causing trouble, could you do this, look into it, do that. That is how we police our communities.

I think the point was that is what this was directed at. The block grant suggested there is some greater law enforcement decision to be made out there, and that we will let that open debate and let communities do what they wanted. The fact of the matter is what local communities wanted were officers, police personnel, on the streets. If they think this is warm and fuzzy, they ought to talk to the criminals that have been run down by community police officers in the commission of an act of crime and brought to justice. That was not very warm and fuzzy, but they were available, where in the past they have not been.

Mr. DOGGETT. Or as you wisely suggest, to simply ride with, to walk on the beat with, our law enforcement officers. When I have done that, I have had the same experience as the gentleman from California. You talk to the young man or woman who is out there on the beat, standing between us and violent crime, protecting our businesses, protecting our neighborhoods and our families and their dwellings. They are not interested in having to get immersed in city politics. They sure do not want to have to go to the governor and ask if more police is okay. They do not care whether Republicans or Democrats or President Clinton or President somebody else takes credit. They just need help.

What this piece of legislation that we will vote on tomorrow night does is it pulls that help away and says we will not stand with them against crime. We are going to immerse them in the very kind of politics that they asked not to be immersed in, instead of backing them up and lending them the support they need to protect communities, whether it is in California, Colorado, or Austin, TX, or anywhere else in this great land.

Mrs. SCHROEDER. One of the ways it worked in my community, which has been wonderful, is the police have opened a neighborhood office. All the merchants and local people are invited in. The community gets a dinner. It just opens up the whole community, and they have done a much better job of catching criminals. If you look at the bottom line, one of the reasons there is a lot of crime is a lot of people got away with it.

Well, if you have them there and you have eyes and ears and people know where to call and know it is right nearby in their neighborhood, boy, that stops the nonsense. And our biggest problem has been people wanting more,

more, more. We cannot get enough fast enough.

I am sure they are going to be stunned to find out that we may vote this out tomorrow, that this may be voted out, because, listen, they do not have R's on their shirts. There is no R for Republican, no D for Democrat, no C for Clinton. They are police officers. They are out there to protect the community.

The gentleman was talking a little earlier about the Troops to Cops. That was in my committee. I worked very hard to get that amendment through and cosponsored it. What a waste. Some of these young people have already been perfectly trained. They just need a little extra training and they are ready to go on the civilian side. It is a win-win for the taxpayer. You paid for their military training. You may as well transfer it to the civilian side and keep it going.

I think there were so many things we were starting to make headway on, and I do not care, the people in my district do not care, whether it is Republicans or Democrats. Their No. 1 issue is get crime under control and stop the killing and stop the terror. This is the best way.

They are not saying what we want is get as many prisons as you can shoe-horn in here and let us stuff everybody in prison. Yes, if you catch people, they want them to go to prison, but they much prefer preventing it in the first instance, so they are free to walk around on the streets and enjoy the community that they used to be able to enjoy.

So I think your bringing this to the floor is absolutely essential. I cannot wait to see what they come up with as a reason to kill this program. I know we will all be listening intently.

Mr. DOGGETT. The gentlewoman from Colorado and the gentleman from California have both referenced prevention. I also wonder whether anyone is trying to undermine this cops program has ever discussed prevention with young men and women like this or with their older peers who are out there and have served our community, in some cases for decades.

I know, for example, that in my community of Austin, TX, you mentioned this community meeting, last year we had a real problem in one neighborhood particularly, it has unfortunately affected a great deal of our community, with youth violence. So instead of looking only at the question of violence, our forward looking police department under Chief Watson sees leadership.

One of the things they did about crime was to set up a job fair, to actually pull in local businesses to a high school, not far from this community. I went out to that job fair and there were young people coming out the doors, and there were some business

people who I am sure instead of having someone who might come in and shop-lift, someone who might some day because of drugs be burglarizing their establishment, they found a willing worker. Because if we provide some of these young people hope and we provide them opportunity, and if they begin to recognize that the men and women who go through cadet school and put on their blue uniform and go out to defend us are on our side, they are not the enemy, they are there working in the community with community police stations, with community prevention programs that work to try to prevent crime, that try to deter crime, and in turn, of course, unfortunately, when that does not work to a prison system to back them up, which we need. But if we rely only on the steel bars, we cannot build the prisons fast enough to fulfill the need of our community for security.

Mr. MILLER of California. I want to thank the gentleman and just say we found at least some of the officers have been more involved in community policing than just their shift work. We find them involved with the young people they work with in an official capacity during the day, on the weekends, and on their own time developing programs of community service for these people, completely voluntary, only recreational activities.

This summer, at the end of the summer, we will for the second time have a police officer-inspired program in which young people have done service in their community and will be treated to a field trip. It is a huge event in a community that is very poor, lives in public housing, but by having all of the kids participate throughout the summer and stay engaged, this officer has put together the resources to then take them on a field trip of recreation and fun, something that we would have never seen because of the walls that are traditionally being built between the community and law enforcement.

But now, because of her involvement in this community on a day-to-day basis, walking, talking to their mothers, their fathers, and other young people in the community, we now see this kind of relationship being built which we think long term will help law enforcement. As these young people grow up, it will also build some confidence in law enforcement by these young people because they will know these officers personally, and we like to believe that will continue. But for the first time we are now seeing a downward trend in crime in our communities.

I hope we can defeat these efforts to take away this funding.

Mr. DOGGETT. In attempting to do that, let me bring to the attention of the House one other aspect of this cops program, and that is something called cops more.

Again, it is ironic that this very week, probably by midweek, the administration, the Department of Justice, will be announcing cops more grants. Hopefully, the city of Austin will be one of those and cities across this country. That is money that does allow some flexibility.

It will, for example, provide Federal dollars, again, directly to the city of Austin, to other communities, to allow some of our law enforcement officers that are now tied up with paperwork and other duties within the station to be replaced with civilian workers so that those skilled law enforcement officers can be out on the street. It will allow for the paying of overtime when our police officers are stretched to the limits at times and have to have overtime. It will allow for certain equipment to be purchased to facilitate police communications and other activities on the street.

So the cops program, as the Congress approved it last year, has the necessary flexibility already not only to get 100,000 police officers on the street, but to give them the tools that they need to be effective. Not politics, but real law enforcement tools, and that program will be announcing grants across America this week.

Yet, unfortunately, it is that very program that the House will undermine and destroy tomorrow night, unless we are able to get an amendment on changing the appropriations bill as it has been recommended and keep the support for our local law enforcement agencies.

Mrs. SCHROEDER. If the gentleman will yield further, let me thank him one more time for so very articulately laying out what our choices are going to be this week.

Let me end the way I began. I feel so fortunate to live in a country where people call the police, are not afraid of the police, and see the police as their friend, and they really want us to help fund more of them to help bring our communities back to the way they were. Just as we were beginning to get that going, we do not want to see the rug pulled out from under us. Thank you so much.

Mr. DOGGETT. I thank the gentleman for her observations and comments.

I would just close in saying that crime is not like the weather. There is something that we can do about it. The "something" this week in the House is to stand behind the men and women who just graduated from the academy in Austin, TX, that are out there because of Federal dollars, and keep that program going, backing up our law enforcement agencies, not substituting some weird blob grant program, but standing behind the men and women who are protecting our neighborhoods, our homes and businesses, doing something about crime with a program that

works today, right now. Keep that program and defeat this reactionary change that has been proposed.

□ 1400

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Government Reform and Oversight, and the Committee on the Judiciary.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

Mr. DOGGETT. Reserving the right to object, Mr. Speaker, I would say that the Democratic leadership has been consulted and the ranking minority member of each of the committees the gentleman referred to.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

EXPORTS OF ALASKAN NORTH SLOPE OIL

Mr. LINDER. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 197 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 197

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the

portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a) After passage of H.R. 70, it shall be in order to take from the Speaker's table the bill S. 395 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to consider in the House, any rule of the House to the contrary notwithstanding, the motion to amend described in subsection (b). The motion to amend shall not be subject to a demand for division of the question. The previous question shall be considered as ordered on the motion to amend and on the Senate bill without intervening motion except one motion to recommit the bill with or without instructions. If the motion to amend is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 395 and request a conference with the Senate thereon.

(b) The motion to amend the Senate bill made in order by subsection (a) is as follows:

- "(1) Strike title I.
- "(2) Strike sections 201 through 204 and insert the text of H.R. 70, as passed by the House.
- "(3) Strike section 205.
- "(4) Strike section 206.
- "(5) Strike title III."

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume.

During consideration of this resolution, all the time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 197 is an open rule providing for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Resources. After general debate, the bill shall be considered for amendment under the 5-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the 5-

minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read.

House Resolution 197 authorizes the Chair to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule does not require preprinting, but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the floor of the House.

This rule allows the chair to postpone votes in the Committee of the Whole and reduce votes to 5 minutes, if those votes follow a 15-minute vote. Fi-

nally, this resolution provides one motion to recommit, with or without instructions.

Section 2 of House Resolution 197 provides for the consideration of S. 395 in the House. All points of order against the Senate bill and its consideration are waived and it shall be in order to consider the motion to amend S. 395 as described in the rule. Additionally, this section provides for one motion to recommit with or without instructions. If the motion to amend is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 395 and request a conference with the Senate.

The purpose of the underlying legislation, H.R. 70, is to lift the ban on the export of crude oil produced on Alas-

ka's North Slope. This legislation was reported out of the Committee on Resources by voice vote and it has broad bipartisan support. This bill is clearly in the national interests, and by lifting the ban on exports, we can create tens of thousands of new jobs, drive domestic energy production, raise revenues, and reduce our dependence on imports. It is important to note that according to the Congressional Budget Office, H.R. 70 will reduce Federal outlays by about \$50 million over the next 5 years.

This open rule was reported out of the Rules Committee by voice vote. I urge my colleagues to support the rule so that we may proceed with consideration of the merits of the legislation.

Mr. Speaker, I include for the RECORD the following information:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,<sup>1</sup> 103D CONGRESS V. 104TH CONGRESS

(As of July 21, 1995)

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open <sup>2</sup>	46	44	38	73
Modified Closed <sup>3</sup>	49	47	12	23
Closed <sup>4</sup>	9	9	2	4
<b>Totals:</b>	<b>104</b>	<b>100</b>	<b>52</b>	<b>100</b>

<sup>1</sup> This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

<sup>2</sup> An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

<sup>3</sup> A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

<sup>4</sup> A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

(As of July 21, 1995)

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95)
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95)
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95)
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95)
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95)
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95)
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95)
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95)
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95)
H. Res. 69 (2/9/95)	MO	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95)
H. Res. 79 (2/10/95)	O	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95)
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229-100; A: 227-127 (2/15/95)
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230-191; A: 229-188 (2/21/95)
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95)
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95)
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95)
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95)
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95)
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234-191; A: 247-181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242-190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252-170; A: 255-168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225-191; A: 233-183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223-180; A: 245-155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232-196; A: 236-191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221-178; A: 217-175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258-170; A: 271-152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236-194; A: 234-192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235-193; D: 192-238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230-194; A: 229-195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242-185; A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232-192; A: voice vote (7/18/95)

## SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

(As of July 21, 1995)

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217-202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

Mr. Speaker, the Republican majority of the Committee on Rules has recommended an open rule on H.R. 70, and the committee's Democrats fully support this rule. In addition, I support this bill.

H.R. 70 will lift the ban on exports of Alaskan North Slope oil which was imposed in 1973 as a compromise to allow the construction of the trans-Alaska pipeline in an era when the United States was subjected to embargos imposed by the oil-producing states of the Middle East. Mr. Speaker, the time is long past when this ban serves any useful strategic purpose and, in fact, this ban may have actually contributed to reduced domestic production. By freeing North Slope oil from this export ban, we will encourage further domestic production—both in Alaska and in the lower 48.

Mr. Speaker, the committee is also to be commended for including a provision in the rule which will expedite a conference on this legislation, and I urge support for the rule and the bill.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, I rise in support of this important initiative to authorize exports of Alaskan oil because it is vital to preserving the independent tanker fleet and the cadre of skilled men and women who proudly sail today under the American flag. There can be little doubt that our Government has a compelling interest in preserving a fleet essential to national security, especially one transporting an important natural resource.

Specifically, section 1 of the bill requires that, other than in specified exceptional circumstances, Alaskan crude exports must be transported by a vessel documented under the laws of the United States and owned by a U.S. citizen.

Mr. Speaker, I am aware that some have raised trade-related questions about this provision, but these issues have already been addressed by the trade experts in the administration, who have concluded that the bill is consistent with our international obligations. In his March 9, 1995, letter, a copy of which is attached to my state-

ment, for example, U.S. Trade Representative Mickey Kantor stated that the bill does not violate our international obligations under WTO/GATT, the relevant OECD Code, or the GATS Ministerial Maritime Decision. In fact, he pointed out that "the U.S. flag preference provisions \* \* \* actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potential new market opportunities resulting from enactment."

As my colleagues know, current law already requires Alaskan oil to move to the lower 48, Hawaii, and Canada on so-called Jones Act vessels. When Congress authorized construction of the trans-Alaska pipeline system, it established export restrictions that had the effect of ensuring that North Slope crude would move to the lower 48 and Hawaii on U.S.-built, U.S.-owned, and U.S.-crewed vessels. Although the export restrictions have changed over time, there has been no change with respect to the requirement to use Jones Act vessels.

In 1988, when Congress passed legislation to implement the U.S.-Canada Free-Trade Agreement, it agreed to allow up to 50,000 barrels per day of ANS crude to be exported for consumption in Canada, subject to the explicit requirement that "any ocean transportation of such oil shall be by vessels documented under [46 U.S.C.] section 12106." By insisting that exports to Canada move on Jones Act tankers, even though not required by the specific terms of the Agreement, Congress established the principle that exports must move on U.S.-flag vessels.

Consider also that in negotiating the North American Free-Trade Agreement, the Mexican Government reserved to itself the "transportation \* \* \* [of] crude oil." The U.S. Government specifically agreed to this reservation in adopting article 602(3) of NAFTA. Additionally, in two major areas of commercial movements in foreign trade, the U.S. Government has long enforced preference for American vessels. Since 1934, the U.S. Export-Import Bank has reserved for American carriers 100 percent of all cargo the export of which it finances under various programs. The Cargo Preference Act of 1954 also reserves certain Government-financed cargo to "privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates."

There are plenty of other examples of cargo reservation world wide. Our Government has entered into bilateral treaties with Latin American countries that preserve government controlled cargoes for national lines. These inter-governmental agreements are supported by pooling agreements among the lines that effectively divide all cargo, not merely controlled cargo, on the UNCTAD 40-40-20 basis, with the 20 percent being accorded to such third-

flag lines as are admitted to the pools. Similarly, the French Government reserves for French-flag vessels substantial cargoes. The Act of 30 March 1928, for example, requires that, unless waived, two-thirds of France's crude oil needs be carried on French-flag vessels.

Mr. Speaker, it is quite clear that long-standing precedent supports the U.S.-flag requirement in this bill.

Now let me address specific U.S. international obligations and explain why the legislation does not violate the GATS Standstill Agreement, the General Agreement on Tariffs and Trade, or other of our international obligations.

GATS Standstill Agreement. At the conclusion of the Uruguay round of multilateral trade negotiations, the United States and other countries for the first time agreed to cover services, as embodied in the General Agreement on Trade in Services [GATS]. Maritime services were effectively excluded, however, because no commitments of any kind were made by the United States. Although a U.S. offer had been briefly tabled, it was withdrawn. Thus, the U.S. Government did not in any way restrain or limit its authority to maintain or promote an American-flag fleet.

The only commitment made by the U.S. Government was to continue negotiations until June 1996, with a view to determining whether to make any binding commitments at that time. The Ministerial Decision on Negotiations on Maritime Transport Services imposed this standstill commitment or peace clause for the period during which the negotiations would occur: "[I]t is understood that participants shall not apply any measure affecting trade in maritime transport services except in response to measures applied by other countries and with a view to maintaining freedom of provisions of maritime transport services, nor in such a manner as would improve their negotiating position and leverage." Some foreign governments are now arguing that the enactment of the proposed legislation would violate this commitment. They are incorrect.

In a letter to me at the time, the U.S. Trade Representative stated that the peace clause is

Strictly a political commitment by the Parties to the negotiations not to take measures to "improve their negotiation position or leverage." In a worst case scenario, if one of the Parties to this negotiation were to conclude that the United States had taken a measure that contravenes the peace clause, their only remedy would be to leave the negotiating table.

\* \* \* \* \*  
Let me assure you that there is nothing in the negotiations that would interfere with maritime reform legislation . . . . Discussion of promotional programs, including government subsidies, would, by no stretch of the imagination, be viewed as undermining these negotiations.

This understanding was confirmed by the Presidential Advisory Committee on Trade Policy and Negotiations. In filing its report at the conclusion of the Uruguay Round negotiations, the Committee said: "[A]ll existing maritime promotional and support laws, programs and policies continue in full force and effect. The United States also may enact or adopt such new measures as it wishes including pending legislation to revitalize the maritime industry."

## GATT

The General Agreement on Tariffs and Trade covers goods, not services. Under longstanding precedent, vessels in international commerce are not themselves products or goods subject to GATT. For purposes of GATT, the relevant product is ANS crude, which would be transported on American-flag vessels. Requiring that this product be carried on these vessels, as currently required under the implementing legislation for the United States-Canada Free-Trade Agreement, does not conflict with GATT.

Article XI of GATT proscribes "prohibitions or restrictions other than duties, taxes or other charges whether made effective through quotas, import or export licenses or other measures" by a contracting party "on the importation of any product" or "on the exportation \* \* \* of any product." These requirements apply to products, which do not include vessels in transit between nations. Moreover, these requirements are limited to products and not to their transportation. This is made clear by the exceptions listed in ¶2, such as (a) measures to prevent or relieve "critical shortages of food stuffs or other [essential] products" and (b) restrictions to facilitate "classification, grading or marketing of commodities." Such exceptional restrictions are to be accompanied by public notice "of the total quantity or value of the product permitted to be imported." Thus, the transportation requirements of the committee print are not "prohibitions or restrictions other than duties" on goods proscribed under article XI.

Article III, the national treatment article, forbids internal taxes or other charges or regulations, affecting, inter alia, the transportation of goods, that discriminate in favor of domestic production. Requiring U.S.-flag vessels for the carriage of certain cargoes in international trade is not an internal regulation of transportation that discriminates against foreign goods. As I said earlier, vessels are not considered goods. Moreover, by operation of the Jones Act, foreign-flag vessels may not today carry ANS crude oil to the lower 48 or Hawaii. Having no claim under article III that they somehow will be denied opportunities tomorrow as a result of a change in current law.

Article V, the freedom of transit article, requires that member nations permit goods, and also vessels, of other member nations "freedom of transit through the territory of each contracting party" of traffic in transit between third countries. The proposed bill, however, is not an inhibition of such movement of foreign goods or vessels within the United States. Article V thus does not apply.

## GATT GRANDFATHER CLAUSE

GATT 1994 contains an explicit exemption for the Jones Act. Annex 1A to the Agreement establishing the World Trade Organization contains an exception relating specifically to

national flag preferences for shipping "between points in national waters" enacted before a member became a contracting party to GATT 1947. The exception becomes inoperative if "such legislation is subsequently modified to decrease its conformity with Part II of the GATT 1994."

On its face, however, the proposed bill would not operate in commercial applications "between points in national waters," since it concerns the foreign trade. The proposed legislation would not amend the Jones Act and this does not jeopardize the grandfathering of the Jones Act by Annex 1A. The conformity of the bill with international obligations of the United States does not depend on this exception, but on the terms of those obligations themselves. As I indicated earlier, the proposed bill does not conflict with Articles III, V or XI of GATT.

## OECD CODE

The OECD's Code of Liberalisation of Current Invisible Operations generally requires OECD member countries to liberalize trade in services, with certain specified exceptions. Not 1 to annex A, in defining invisible operations in the maritime sector, states in its first sentence that the purpose of the provision is "to give residents of one Member State the unrestricted opportunity to avail themselves of, and pay for, all services in connection with international maritime transport which are offered by residents of any other Member States." The second sentence of the Note lists "legislative provisions in favour of the national flag \* \* \*" as among measures that might hamper the enjoyment of those rights. The Note concludes, however, unambiguously: "The second sentence of this Note does not apply to the United States." Whatever its applicability to the law of other nations, it would not apply with respect to the proposed legislation, which cannot therefore be contrary to it.

Thus, while some OECD Members have subscribed to equating national flag requirements with disapproved invisible operations, it is clear that the United States has not.

## FCN TREATIES

Some foreign governments have raised questions about the propriety of flag reservation in light of various treaties of friendship, commerce, and navigation. The treaty clause invoked is this: "Vessels of either party shall be accorded national treatment and most-favored-nation treatment by the other party with respect to the right to carry all products that may be carried by vessel to or from the territories of such other party. \* \* \*" Whatever this clause may appear to convey literally, its application in practice has allowed numerous national flag preferences identical with or otherwise indistinguishable in principle from the proposed measure.

As I indicated earlier, the most prominent instance is embodied in the United States-Canada Free-Trade Agreement. But there are many other examples. In the 1960's and 1970's, for example, the United States concluded with the former Soviet Union agreements for the sale of grain that, initially, reserved all carriage to American ships so far as available, and later not less than 30 percent. Against protests filed by a number of maritime powers having either national-treatment or most-favored-nation treaties, the United States

responded in congressional testimony that, although the fact that the Soviet Union as a government was the purchaser did not alter the character of the transaction as purely commercial, "[t]he shipping arrangement worked out for the Russian wheat sale is a form of cargo preference involving a unique bilateral agreement between the U.S. and U.S.S.R. establishing a new trade where none existed before." This is the same reason the Department of State has advanced in defending preferences for government-financed cargo. So far as this may be considered a controlling factor, it is certainly applicable here, because the bill is clearly "establishing a new trade where none existed before."

In 1973, the President, by proclamation, instituted a system of licensing fees on imports of oil excess to prescribed quotas. Subsequently, however, the President in effect exempted products refined in American Samoa, Guam, the Virgin Islands or a foreign trade zone, if transported to the mainland on American-flag vessels. Like the present bill, the fee waiver was said not to reflect "a general administration position on reducing licensing fees when U.S.-flag ships are used." Although the stated purpose was to equalize refinery costs as between territories not subject to the Jones Act and the mainland, the administration suggested in congressional testimony that "a positive incentive has been provided by the administration for the construction and use of additional U.S.-flag tankers." In recent testimony before the Resources Committee on which I sit, the Deputy Secretary of Energy similarly emphasized the importance of the U.S.-flag requirement of the pending legislation in preserving U.S.-flag tankers and the skilled mariners who operate them.

In summary, Mr. Speaker, the U.S.-flag requirement of this bill is supported by ample domestic and foreign precedent, does not represent an extension of cargo preference into a new area, and does not violate our international obligations. There is no reasonable basis for a challenge to the legislation before the World Trade Organization or in other international forums.

I urge my colleagues to join me in supporting this legislation, which is so vital to preserving a fleet essential to national defense.

I include for the RECORD a letter from Michael Kantor, the U.S. Trade Representative, as follows:

THE UNITED STATES TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,

Washington, DC, March 9, 1995.

HON. J. BENNETT JOHNSTON,  
U.S. Senator,  
Washington, DC.

DEAR SENATOR JOHNSTON: This replies to your letter of March 2, 1995, requesting information on the implications of the cargo preference provisions of S. 395 on our obligations under the World Trade Organization and the Organization of Economic Cooperation and Development (OECD). Specifically, you ask if the legislation violates any trade agreements, the potential legal and practical effects of a challenge, as well as its effect on the ongoing negotiations on maritime in Geneva.

As to WTO violations, I can state categorically that S. 395, as currently drafted, does not present a legal problem. Further, we do

not believe that the legislation will violate our obligations under the OECD's Code of Liberalization of Current Invisible Operations or its companion Common Principles of Shipping Policy. However, the OECD does not have a mechanism for the settlement of disputes and its associated right of retaliation. While Parties to the OECD are obligated to defend practices that are not consistent with the Codes, the OECD process does not contain a dispute mechanism with possible retaliation rights. (The OECD Shipbuilding Agreement, by contrast, does contain specific dispute settlement mechanisms, although the Agreement does not address flag or crew issues.)

Your letter requests guidance on the implications of S. 395 on the GATS Ministerial Decision of Negotiations on Maritime Transport Services (Maritime Decision) which is the document that guides the current negotiations on maritime in the WTO. The Maritime Decision contains a political commitment by each participant not to adopt restrictive measures that would "improve its negotiating position" during the negotiations (which expire in 1996). This political commitment is generally referred to as a "peace clause." Actions inconsistent with the peace clause, or any other aspect of the Maritime Decision, cannot give rise to a dispute under the WTO, since such decisions are not legally binding obligations.

There are, of course, potential implications for violating the peace clause by adopting new restrictive measures during the course of the negotiations. These implications could include changes in the willingness of other parties to negotiate seriously to remove maritime restrictions and might lead to certain parties simply abandoning the negotiating table. But the Maritime Decision does not provide the opportunity for retaliation.

Our view is that the U.S. flag preference provisions of S. 395 do not measurably increase the level of preference for U.S. flag carriers and actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potentially new market opportunities resulting from enactment of S. 395. Thus, it would be very difficult for foreign parties to make a credible case that the U.S. has "improved its negotiating position" as the result of S. 395.

For reasons I have explained, we are certain that the U.S. flag preference does not present legal problems for us under the WTO. However, in the event any U.S. measure is found to violate our obligations, the WTO does not have authority to require alterations to affected statutes. That remains the sovereign decision of the country affected by an adverse panel ruling. A losing party in such a dispute may alter its law to conform to its WTO obligations, pay compensation, or accept retaliation by the prevailing party.

Finally, we agree with you that it would not be appropriate to include a requirement that ANS oil be exported on U.S.-built vessels.

I trust this information is of assistance to you. Please do not hesitate to contact me or my staff should you need more information.

Sincerely,

MICHAEL KANTOR.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I will not be offering my amendment that requires that these vessels be built in the United States, after further discussion

with the chairman, the gentleman from Alaska [Mr. YOUNG], the ranking member, the gentleman from California [Mr. MILLER]. But I will be offering a very simple amendment, one that I think is important, to the substitute offered by Chairman YOUNG. I believe that it is necessary if we are to ensure that this legislation does not cause the loss of American jobs.

Mr. Chairman, in the bill it says, section 1, clause V, if the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under the authority of this subsection has caused sustained, material crude oil supply shortages or sustained crude oil prices significantly above world market levels, and further finds that these supply shortages or price increases have in fact caused sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may—may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

My amendment is very simple. It would delete the word "may," and insert the word "shall." This amendment would then require the Secretary of Commerce to take action if there is an energy crisis or if American jobs are being lost as a result of this legislation.

I do not think that we should leave to the discretion of some bureaucrat whether or not these adverse effects on employment and these other issues would require some action. The amendment would compel and require the Secretary to in fact make notice to the President of such actions.

I believe that this amendment has been agreed upon, and it is not a problem at this particular point. But I would just like to say this in closing with my remarks. I think we leave too much discretionary activities to bureaucrats who many times, and this is not painting any of these bureaucrats with a broad brush, but they may not necessarily have as much zeal with some of the connections that they may have in taking some of this action. So in essence, it would change the discretionary may in the bill for such recommendations to shall, and the Secretary would be compelled then to give that information immediately to the President, where such action could be taken in accordance with other actions and activity listed under this bill.

I think it is a commonsense amendment. I support it. I would like to say this. I support the bill. I believe it is good for American jobs, that it in fact maintains certain employment activities we have in the petroleum field right now and creates some new jobs.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rule. I am pleased to see that the committee has granted Chairman YOUNG's request for an open rule which protects the rights of all Members to offer amendments. I applaud Chairman YOUNG for continuing the tradition of our committee by seeking open rules.

We do not agree, however, on the merits of this legislation. During the consideration of H.R. 70, I will be offering an amendment to restrict exports of Alaska oil to the amounts which are in excess of current consumption on the west coast. The bill as reported by the resources committee restricts the President's authority to protect U.S. interests by forcing him to choose between exporting 100 percent of the Alaska oil or no oil at all. The bill specifically precludes the President from finding that it is in the national interest to establish any volume limitations.

Additionally, Mr. Speaker, I would note that, upon passage of H.R. 70, the rule provides for a motion to bring up the Senate-passed bill, strike the text and insert the House language. While I have no objection to this procedure, I would caution my colleagues that they are buying into much more than they expect in this legislation at a substantial cost to the taxpayers.

The other body has included several matters which will come up in conference which would not be germane under House rules to the subject Alaska oil exports. I am particularly concerned about title 3 of the Senate bill which requires the Secretary of the Interior to grant a holiday on collecting royalties from oil companies which operate in the Gulf of Mexico. This relief is granted whether or not it is needed. For drilling in waters deeper than 800 meters, for example, title 3 would require no less than 82.5 million barrels of royalty-free oil for each lease.

The stated purpose of title 3 is to encourage oil development in deep waters of the gulf. Yet the oil companies are already encouraged without any help from the Government. The last two gulf lease sales have brought in record bonus bids. The gulf is now one of the hottest areas in the world for new exploration.

In my view, mandatory royalty relief would be nothing other than a taxpayer-subsidized holiday windfall for the oil operators in the gulf. This is new corporate welfare at its worst. If title 3 had been in effect just 3 months ago, the royalty holiday would have cost the Treasury at least \$2.3 billion from the last lease sale alone.

So, Mr. Speaker, there is much more to H.R. 70 that will be considered in conference than just Alaska oil exports—and there are good reasons that House Members are unaware of the deep water royalty relief issue because:

There is no bill requiring a deep water royalty holiday in the House.

There have been no hearings on this subject in the Resources Committee.

But when we go to conference on H.R. 70, you can rest assured that the other body will insist that we include the royalty holiday in the conference report.

Without amendments to protect U.S. jobs and consumers, H.R. 70 is flawed and should be rejected. But even if we disagree on whether exports of Alaskan oil are in the national interest, I urge my colleagues to look ahead down the road because there is a big taxpayer ripoff headed our way from the conference.

□ 1415

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 70.

□ 1418

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 70), to permit exports of certain domestically produced crude oil, and for other purposes, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

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

Mr. Chairman, on the first day of the session, I joined with the gentleman from California [Mr. THOMAS] and a bipartisan group of Members in introducing H.R. 70.

Mr. Chairman, on May 9, the committee heard testimony from the administration, the State of Alaska, California independent oil producers, maritime labor, and other proponents of our proposed legislation. The administration testified in favor of the bill, but indicated that the bill should be amended, first, to provide for an appropriate environmental review, second, to allow

the Secretary of Commerce to sanction anticompetitive behavior by exporters, and, third, to establish a licensing system. On May 17, the committee adopted a substitute amendment supported by the administration.

I am pleased to offer today a committee print that has the support of the administration.

The committee print would bring the bill in substantive conformity with title II of S. 395 and includes provisions requested by the administration. In a nutshell, the committee print provides for the following:

ANS oil exports—carried in U.S.-flag vessels—would be authorized, unless the President determined they were not in the national interest.

Before making his national interest determination, the President must consider an appropriate environmental review, as well as the effect of exports on jobs and consumers.

In making his national interest determination (within 5 months of enactment), the President could impose terms and conditions other than a volume limitation on exports.

The Secretary of Commerce then would be required to issue any rules necessary to implement the President's affirmative national interest determination within 30 days.

If the Secretary later found that sustained material oil shortages or sustained prices significantly above the world level had caused sustained material job losses, he could recommend appropriate action by the President against an exporter, including modification or revocation of the authority to export.

Administrative action under the bill would not be subject to traditional notice and comment rulemaking requirements.

As under S. 395, the President would retain his authority to later block exports in an emergency. In addition, Israel and other countries pursuant to the International Emergency Oil Sharing Plan would be exempted from the U.S.-flag requirement.

Finally, the committee print also would require the General Accounting Office to prepare a report assessing the impact of ANS exports on consumers, independent refiners, shipbuilders, and ship repair yards.

Enactment of this legislation would at long last allow exports of our State's North Slope crude oil when carried on U.S.-flag vessels. When enacted, this legislation will allow the State's most important and vital industry to finally sell its products in the global marketplace.

To put the proposed legislation in perspective, I think it would be helpful to explain the origins of current law. The export restrictions were first enacted shortly after the commencement of the 1973 Arab-Israeli War and the first Arab oil boycott. At that time,

many people believed that enactment of the export restrictions would enhance our Nation's energy security. Indeed, following the second major oil shock in 1979, Congress effectively imposed a ban on exports. Much has changed since then.

In part due to significant conservation efforts and shifts to other fuel sources, total U.S. petroleum demand in 1993 actually was lower than in 1978. Net imports also were lower. Last year, for the first time, imports met more than half of our domestic demand—not because consumption has risen, but rather because domestic production has declined so enormously.

Even though imports are up, they come today from far more secure sources than in the 1970's, when energy security was of such a paramount concern. Today, over half of our imports come from the Western Hemisphere and Europe. Mexico and Canada are among our largest suppliers. We not only are less dependent on the Middle East and Africa, but we have stopped buying crude from Iran, Iraq, and Libya. In addition, international sharing agreements are in place and the United States has filled a Strategic Petroleum Reserve with 600 million barrels of crude oil. In short, our Nation is no longer vulnerable to the supply threats that motivated Congress to act in the 1970's.

While we have taken the steps necessary to reduce our vulnerability to others, we have not done enough to encourage domestic energy production. In fact, production on the North Slope has now entered a period of sustained decline.

If I may just digress from my written statement, Mr. Chairman, last month the highest part of our trade deficit, which was the highest we have had in 7 years, was the importation of fossil fuels. In fact, the production on the North Slope has now entered a period of sustained decline. In California, small independent producers have been forced to abandon wells and defer further investments. By precluding the market from operating normally, the export ban has discouraged production in the United States. This bill is intended to change that situation. H.R. 70 would require the use of U.S.-flagged—U.S. crewed vessels, not U.S. built.

May I compliment my good friend, the gentleman from Ohio [Mr. TRAFICANT], for not offering that, because, very frankly, it would have caused us great concern within the shipbuilding industry and within the unions themselves.

Small independent producers have been forced to abandon wells or defer further investments. Faced with glut-induced prices for their own crude, these small businesses have laid off workers, further exacerbating market conditions caused by the long recession

in California. By precluding the market from operating normally, the export ban has had the unintended effect of discouraging further energy production. We want to change that situation.

In an effort to quantify the likely production response and to evaluate benefits and costs of Alaskan oil exports, the Department of Energy conducted a comprehensive study last year. In its June 1994 report, the Department concluded Alaskan oil exports would boost production in Alaska and California by 100,000–110,000 barrels per day by the end of the century. The study also concluded that ANS exports could create up to 25,000 jobs as well. The sooner we change current law, the sooner we can spur additional energy production and create jobs in Alaska and in California.

As many Members of this body know, there has long been concern in the domestic maritime community that lifting the ban would force the scrapping of the independent tanker fleet and would destroy employment opportunities for merchant mariners who remain vital to our national security. In recognition of this concern, our proposed legislation would require the use of U.S.-flag vessels to carry exports. The U.S. Trade Representative has assured Congress that this provision does not violate our GATT obligations. Based on the testimony presented to the committee and our own assessment of the issue, we concur with the administration's view that this provision is fully consistent with all of our international obligations.

Our proposed legislation also ensures that an appropriate environmental review will be completed before the President makes his national interest determination. I think it is important to emphasize that in order to be in compliance with the National Environmental Policy Act, the environmental review required under the bill need not include a full-blown environmental impact statement, even if the review determines that some adverse environmental impacts may arise from exporting of ANS oil. As long as those impacts can be mitigated by conditions on exports included in the President's national interest determination, NEPA is satisfied.

We have given the President discretion to have the relevant agencies conduct the type of environmental review considered appropriate under the circumstances. In fact, the procedure set forth in the committee print for making the appropriate environmental review tracks the well-recognized procedure whereby an agency may forego a full environmental impact statement by taking appropriate steps to correct any problems found during an environmental assessment. If the EA does reveal some environmental effects, an agency may take mitigating measures that lessen or eliminate the environ-

mental impact and, thereupon, make a finding of no significant impact and decline to prepare a formal EIS.

In its June 1994 Study, "Exporting Alaskan North Slope Crude Oil," the Department of Energy "found no plausible evidence of any direct negative environmental impacts from lifting the ANS export ban." Under the circumstances, we believe the review procedure established in the committee print—a 4-month study containing appropriate mitigating measures—properly balances the facts known to Congress and our policy objectives. Moreover, it fully complies with NEPA.

In closing, let me emphasize that this ban no longer makes economic sense. For too long, it has hurt the citizens of Alaska, it has severely damaged the California oil and gas industry, and it has precluded the market from functioning normally. If left in place any longer, it will further discourage energy production, it will destroy jobs in Alaska and California, and it will ultimately hurt our seafaring mariners, the independent tanker fleet, and the shipbuilding sector of our Nation. To reduce our net dependence on imports, we can take an important first step by enacting this proposed legislation.

The maritime industry and the oil industry have shown they can work together to promote the common good. We hope we can soon show that the administration and Congress can work together as well to promote our national security, spur energy production, reduce our net dependence on imports, and create jobs.

May I say in closing, Mr. Chairman, this is H.R. 70. They can insert everything after the enacting clause of the Senate bill as it passes the Senate. We will be discussing those things that will be argued today on the floor with the Senate in conference. Keep in mind we are working on a House bill that passed out of our committee pretty nearly unanimously by voice vote, and had strong bipartisan support.

Mr. Chairman, I urge the passage of this legislation and I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hope that our colleagues are aware of the historic importance of this legislation. This bill signals the collapse of the oil industries' argument that producing oil in this country is vital to our energy security.

If we can afford to export Alaskan oil to Japan, Taiwan, South Korea and other countries when we are currently refining and consuming the vast majority of that oil on the west coast, then the arguments that we should develop our coastal waters or our wilderness areas ring hollow. When we can afford to export 25 percent of our production at the same time the Nation is import-

ing over 50 percent of our consumption, the notion that imported oil is a threat to our economic security is hard to swallow.

For over two decades, Congress has dedicated Alaskan oil to meet our domestic energy needs—a crucial part of the compromise that allowed expedited construction of the trans-Alaskan pipeline. Since 1977, Alaska oil has provided the majority of oil for refineries in Washington, California, and Hawaii and most of the oil consumed by residents of those States as well as Oregon, Nevada, and Arizona. Tens of thousands of jobs in refining, shipbuilding, transportation, and other businesses are dependent upon the Alaska oil trade.

The only sure winners in allowing exports are one multi-national oil company—British Petroleum—and one State—Alaska. British Petroleum produces about one-half of the North Slope Oil and, if exports are allowed, can substantially manipulate the market prices for independent refineries on the west coast. The State of Alaska will see its revenues increase too, allowing it to continue its role as the State with the lowest personal tax burden and highest per capita spending in the Nation.

The losers in this endeavor are consumers, especially on the west coast, who are likely to pay more for their gasoline in the future. The losers are also the workers in refineries and the transportation sector who will see their jobs sacrificed and exported along with the oil.

I find it ironic that the proponents of exports rely so heavily on the Department of Energy's 1994 study promoting exports. The majority of the House voted to abolish DOE and the Republican majority consistently rejects the conclusions of the Clinton administration on other matters. But more importantly, DOE's study is flawed and based on outdated data.

DOE's projections of all benefits and no downsides from exports are based on its assumption that both a historic glut of supply on the west coast and depressed prices will continue.

But the DOE's assumptions do not reflect current reality. As the State of Alaska's Department of Revenue recently observed, Alaska North Slope oil "prices at parity can be expected to occur more often in the future as ANS production declines and the most expensive transportation route to the gulf coast via Panama loses tanker traffic."

In other words, if prices are at or near parity with world market prices and the supply glut on the west coast is diminishing, price increases will not be absorbed by refiners—as DOE predicts—but will be passed along to consumers and businesses. Since California heavy oil is not an adequate substitute for light Alaska oil, refiners will be

forced to look to more expensive, less reliable imported oil as a substitute. These price increases may have negative ripple effects throughout the entire economy.

Let me give you a real life example of why the DOE report is unreliable. DOE projects that up to 25,000 oil producing jobs will be created in Alaska and California by exports. This is remarkable considering there are only 34,000 of these jobs today. This is a questionable conclusion considering DOE assumes that British Petroleum will reinvest 100 percent of its profits from exports in Alaska. BP will give no such assurance, and it is even more dubious when job losses due to exports are disregarded.

Just last month, Pacific Refining Co. in Hercules, CA—which is in my district—announced that Alaska Oil exports are a factor in shutting down and eliminating over 200 jobs.

Mr. Chairman, this legislation purports to take potential job losses and price impacts on consumers into account during a Presidential Review of whether oil exports are in the national interest. However, the President is prevented by the bill from finding that a volume limit on exporting Alaska oil is in the national interest. So the President must chose between all or nothing. Given DOE's fanatical promotion or exports we know already what that decision will be.

I will be offering an amendment to delete the bill's restraint on the President's authority to set export volume limits and to require that the amounts currently refined and consumed in the west coast States are provided first priority with the excess eligible for export. This is an amendment that presents a reasonable compromise and puts the interests of us consumers and workers first.

I urge my colleagues to support my amendment and vote no on final passage of the bill if it fails.

□ 1430

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I rise to engage the esteemed chairman of the Resources Committee in a colloquy.

As the chairman knows, many people are extremely concerned about the environmental and economic impact of this bill. I share many of their concerns, and believe that we must ensure that the public has an adequate opportunity to participate in and be heard on this issue.

As you know, I had intended to offer an amendment that would have required a public comment period, unless the administration gave me a firm commitment to hold a public comment

period or hearing before the oil is exported. It is my understanding that, with the chairman's assistance, the administration has now committed to hold at least one hearing before the President makes his national interest determination. Am I correct?

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield. The gentleman is correct, and I would like to thank my colleague for his efforts in this regard. The administration has agreed to hold one or more hearings before the President makes his national interest determination. The bill requires the administration to conduct an appropriate environmental review within 4 months, and the hearings will take place within this process. The public will have a formal means of making its views known directly to the administration.

Mr. METCALF. I thank the chairman for his reassurance.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], a sponsor of the bill, a great leader who introduced this bill 10 years ago and has worked so diligently and hard. The gentleman deserves recognition for his effort in this great piece of legislation today.

Mr. THOMAS. Mr. Chairman, this is a kind of an exciting day for me. It is my own personal corrections calendar, if you will.

The gentleman from California made a number of assertions. Frankly, for 10 years we have been trying to get people to focus on whether or not we should require all of the oil production in Alaska by Government edict to come to the lower 48 States.

Because of geography, the lower 48 States basically are three: Washington, Oregon and California. When you take a look at the population factors on the west coast, overwhelmingly more than 800,000 barrels of oil a day come to California.

I represent the 21st District in California. It is in central California. Contained in that district, ever since I came to Congress in 1978, are 4 of the 10 largest oil fields in the United States, among the top 20 oil producing areas of the world.

The primary holding in this area is a Government holding. It is called the Naval Petroleum Reserve and it is an area that was called Elk Hills.

Let me take you back to the early 1970's and the mid 1970's when we had the scare of the Middle East being able to choke this country by cutting off oil supplies. Unfortunately and regrettably, the Congress, controlled by the then majority party, said that the condition for building a pipeline in Alaska was that all of that oil had to come to the United States.

When they took the Naval Petroleum Reserve and opened it up, it was to be held as a reserve. Well, as you know,

when you produce oil, it is not a well with a straw in it. When you open it up, it begins to flow. The Congress also decided to store oil in salt domes, and the Strategic Petroleum Reserve was developed in Texas to be able to get oil in that manner.

The Elk Hills fields are naturally occurring fields. Much of the oil there is heavy oil and it requires heating or a tertiary process, as we talk about it, to bring the oil to the surface. Billions and billions of barrels of oil are involved.

During the Middle East oil crisis, President Ford opened up Elk Hills under the requirement of maximum efficient production, defined as most you could get out of the field. Then along the same time, something called the windfall profits tax was slapped in place.

Let me tell you what happens when Government gets into the economics of oil and the way the Government did in the 1970's.

Government told Elk Hills, produce at your maximum efficient rate, so Elk Hills began pumping oil out, primarily for California consumption because there is no reasonable way to move that oil out of California to the Midwest or the East. But at the same time the Government had said all of the Alaskan oil production had to come to the lower 48, which is basically California.

So here by Government edict you have maximum production of one of the largest oil fields in the world, in California, and by Government edict all the oil produced by one of the largest oil fields in the world in Alaska coming to California.

Obviously you had a depression of the price of oil, so that the production that would have occurred in California because of the increased price for oil did not occur. The continued expansion of Alaska production toward the maximum production of oil there, because of the depressed prices, did not occur.

So I have for the last 10 years been trying to reconcile this ill-conceived Government policy. Who in the world would want to maintain this kind of a ridiculous Government production by edict, which depressed the ability to respond to the energy crisis with domestically produced oil which would have made us more energy sufficient? Who would have said these tankers have to come up and down the west coast of Alaska, Canada, and the United States by Government edict, to threaten our very sensitive environment along the coast? Who in the world would try to maintain this policy? Who is benefiting by this policy?

Guess who benefits? People in California who get a guaranteed, fixed price, depressed, crude product to run through their refineries. And guess where the biggest refineries are? They are in the bay area.

These people are fighting to maintain this hypocritical policy so that they can continue to maintain the record profits because of the margin between what they pay for oil and what they can sell the refined product for. It is just ironic that people stand up in the name of the energy conservation, of national security, of the environment, to try to maintain record profit margins for these corporations.

We are pleased that the Department of Energy, the Department of Transportation, and the Department of Defense came together to do a study.

What they discovered is what we knew for a long time: that in fact this policy does not promote energy security, it puts us at greater risk; that in fact it depresses the ability to produce oil here in the United States, and in Alaska, and it does cost us jobs; and that it is more threatening to the environment to keep this policy in place than to remove it.

We believe that not because a Government study said that, because for 10 years we have known it. I am pleased to say today in the well of the House that I have a statement from the administration that at long last recognizes the simple economics of allowing the marketplace to determine the amount of oil produced and recognizes that there is no question that forcing tankers to ply the Pacific waters is indeed a greater environmental risk than to have some of it find its economic home somewhere other than the lower 48.

I am also pleased to have a letter from the maritime unions. AFL-CIO is in support of this legislation. More than 75 of my colleagues, both Democrat and Republican, have joined us as well.

This bill is long overdue. It is the proper thing to do, because H.R. 1530, the Defense Authorization Act, provides for the privatization of Elk Hills as well. If we are going to produce oil out of a Government reserve at its maximum efficient rate, you should not let Government try to be in the oil business of production and selling.

What we should do is privatize Elk Hills. Along with allowing the Alaskan North Slope oil in H.R. 70 to find its economic home, and privatizing Elk Hills in H.R. 1530, we go a long way toward correcting the crazy economics of oil policy that has been in place for almost 20 years. It is indeed an exciting moment.

I want to thank very much the chairman of the Committee on Resources who, although he comes from Alaska, I know because of his understanding of the way things work would have been supportive of this bill, notwithstanding the fact that he represents the State. It is just a pleasure to work with him to correct a policy that did not augur well for the citizens and the economy of Alaska. It has not augured well for the citizens and the economy of Cali-

fornia. Indeed, it has been a tragic mistake for all Americans over the last 20 years. It is a pleasure to support H.R. 70 and correct this problem.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, this legislation should be retitled. It should be retitled "Let's Not Learn From History," because what we are doing here, is we are setting ourselves up again. We are setting ourselves up to rapidly exploit the reserves that exist in Alaska, put pressure on ANWR and other sensitive environmental areas.

I know some people believe in that. They ought to stand up and say that is what they want to do. But worst of all, at a time when we are more vulnerable than ever to Mideast oil and to the blackmail of a Mideast oil embargo, we are about to contract American oil off someplace else.

The House rules prohibit me from mentioning the names of the junior Senator in the other body, from referencing any Member of the other body, so I cannot do that. But let me tell you that people in both bodies in the Congress, which I can reference, have made statements about where we are oil-wise.

This is not a liberal Democrat or somebody that wants to break this historic decision that we have had to protect the resources in Alaska and thereby prevent the pressure for immediate exploitation of all our reserves. This gentleman says,

Mr. President, there is no question that each day our energy situation is increasingly in peril. In 1973, the year of the Arab oil embargo, we imported 6.3 million barrels per day of crude oil and refined petroleum products. We were 36 percent dependent on foreign oil. Today we are 50 percent dependent on foreign oil.

So where are we? At a time when we are more dependent than ever on the importation of oil from a part of the world that is still politically unstable, we are going to take our oil and we are going to contract it to the Japanese.

What is that going to do? First of all, if there is a crisis, we are going to have to go back and say to the Japanese, "Gee, we need this oil back," which is going to create other problems and complications for the Government. But it will do several things.

It will accelerate the exploitation of Alaskan oil. What does that do? Well, that means the day when America is bankrupt oil-wise is closer. At a time when we ought to be making long-term planning for the proper utilization of our natural resources, we are going to create a fire sale. Let's sell this product off, let's get it out there, let's get rid of it and then we'll be completely dependent on the Middle East or some other part of the world.

There are other places, by the way, where there is oil. There is Kazakhstan

that is finding all these great reserves. That is so good an area to operate in, even the oil companies that have found oil cannot get it out of there because of the political situation.

Here we are, not that long after the 1973 oil embargo, and what are we trying to do? We are trying to make the United States more dependent on oil from regions of the world that are politically unstable.

Yes, I think we ought to amend the title of the bill. It ought to be the "Let's Not Learn From History Act," because that is what we are doing here. We are wasting our future, we are endangering our children with this piece of legislation.

Mr. Chairman, I rise in strong opposition to this bill.

H.R. 70 is a sellout of America.

This bill purports to allow the sale of Alaska oil, and it does.

But what the proponents of this bill do not say is that this bill is really selling out the interests of American workers, American consumers, American national security, and the American environment.

And this sellout of America is to benefit British Petroleum and the State of Alaska.

This bill will sellout American consumers, American workers, our environment, and our national security just to allow this huge British company to sell Alaskan oil to the Japanese.

So, the British and the Japanese will win and the Americans will lose.

States that depend on Alaska oil will lose.

States with industries involved with the shipment of Alaska oil will lose.

States with industries involved with the construction and repair of Alaska oil tankers will lose.

It is only the State of Alaska, the British and the Japanese who win.

American consumers will lose out because the export of Alaska oil will increase the cost of oil here at home.

This should not come as a surprise—it is the law of supply and demand.

The less oil we have here at home, the higher the cost to the consumer.

It will not only hurt the consumer at the pump—it will also increase the crude oil acquisition costs of independent refiners.

American workers will lose out because under this bill, the ships that carry Alaska oil do not have to be built in the United States.

Thousands of jobs for American shipworkers will be eliminated.

So, not only will the United States be shipping oil to Japan, we will also be shipping jobs abroad.

Today, ships carrying Alaska oil to the west coast must be built in the United States.

Under this bill, ships carrying Alaska oil to Japan will not have to be built in the United States.

Not only will thousands of shipbuilding jobs be lost.

Hundreds of seagoing jobs aboard tankers carrying Alaska oil to the lower 48 States be lost.

Thousands of ship repair jobs will be lost to subsidized Asian shipyards.

The American environment will lose out in several respects:

First, the export of Alaska oil will increase the demand for domestic oil—and therefore lead to drilling on the California coast and in the Arctic National Wildlife Refuge.

Second, since the United States will have to import more oil from the Middle East, the risks of oil spills on the west coast will increase: bigger tankers will be used, increasing the risk of a spill; with the use of bigger tankers, there will have to be more transfers of the oil at the port, thereby increasing the risk of spills.

Finally, the sale of Alaska oil abroad will also sell out our national security.

Now is not the time to make the United States more dependent on the supply of oil from the Middle East.

Why in the world are we allowing the export of domestic oil when the natural consequence of that is to increase our need to import oil from the countries in the Middle East, including Iran?

Why are we allowing ourselves to become dependent on countries like Iran?

There have been times in the past when the lack of domestic oil forced us to depend on oil from the Middle East.

This amendment will voluntarily make the United States dependent on Middle East oil. That makes no sense.

So, we are sacrificing American consumers, American workers, our environment, and our national security—all for the benefit of British Petroleum and the State of Alaska.

A vote for this bill is a vote for British Petroleum and the State of Alaska—and no one else.

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

Mr. Chairman, I would just like to compliment the gentleman from Connecticut for a great political speech. It had very little meat in it. A lot of, very frankly, assumptions were not true. We know what has happened to the world market of oil. We know the supply and demand. We know there is a glut on the west coast. We know that some people had a sweetheart deal. Very frankly, there are other areas that produce oil.

Mr. GEJDENSON. Will the gentleman tell me what part was not true?

Mr. YOUNG of Alaska. Mr. Chairman, I will not yield. I did not mention the gentleman's name. I did not mention the gentleman's name. I am just going to suggest respectfully, we could drill off the coast of California.

□ 1445

We could drill off the coast of Florida, Massachusetts, North Carolina. We could do those things. But we have to understand the marketing principle of oil. What has happened here, the only State in the Union which required in 1973, the only State that owns its own oil, was required to transport it to, by law of this Congress, really one market. And as the gentleman from California mentioned, we also required the full maximum production of oil out of Elk Hills. It was a classic example of Government interference in the marketing capability of a resource. And it

has been a disaster that has decreased production of our domestic oil producers and made us more dependent.

Let us keep in mind also that there will be, in fact, a different type oil in many cases that will be shipped to the Asian market that has no place in the United States, that is high in sulfur, and is what we call coal oil. There is a market in the Asian countries that do want this oil. It will not be just Prudhoe Bay oil; it will be an Alaskan oil.

Mr. Chairman, we have also heard the statement we are going to exploit. If anything, we have not, very frankly, explored enough, because as I mentioned in my opening statement, the highest trade deficit mark, highest in 7 years, is the importation of fossil fuels that do not come necessarily from the Far East, but other countries, because we killed our domestic production.

This is an attempt to make the marketplace work; an attempt to open other fields and to get some of our independent oil producers back into the field.

So, Mr. Chairman, I suggest respectfully, I know rhetoric is very popular on this floor, that we look at the facts, the people that support it, including this administration. Those that are directly affected support it and it was wrong to begin with and it is time that we lift that ban.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, I rise in support of H.R. 70 which lifts the ban on exporting Alaskan crude.

The current ban on exporting Alaskan crude contained in the Energy Policy and Conservation Act, the Export Administration Act, and the Mineral Leasing Act has several negative impacts. Among other things, it has led to artificially low prices for heavy crude on the west coast, thereby discouraging some otherwise profitable oil production in California. I believe this bill will lead to increased domestic oil production, increased oil industry related jobs and preserve existing maritime jobs.

The Commerce Committee supports the amendments made by this act to the Energy Policy and Conservation Act and the other relevant statutes, so that Alaskan crude can be exported to the Pacific rim and elsewhere. It is important to note that EPCA is amended only with respect to export of the crude specified in the statute. No other modifications are made. Significantly, the United States obligations under the International Energy Agreement are unaffected by this provision. Finally, because of the legislation's impact on EPCA, I and other members of the Commerce Committee will continue to follow this bill through the legislative process and excessive oversight over its implementation.

I support H.R. 70 and urge my colleagues to do the same.

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

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I commend and thank the gentleman from California [Mr. THOMAS] for all the good work the gentleman has done over the years in advancing legislation and I commend the gentleman from Alaska [Mr. YOUNG] for his efforts too.

As an original cosponsor of H.R. 70, I rise in strong support of the committee's proposed bill. Although current law may have made a great deal of sense in 1973, like many other laws, it is now having the unintended consequences of reduced domestic oil production resulting in job losses in many parts of the country.

We, therefore, should support this legislation and repeal the ban and authorize exports of Alaskan North Slope oil. As reported by the Committee on Resources, H.R. 70 has been endorsed by the Clinton administration. The bill is also supported by small and independent oil producers, including the California Independent Petroleum Association and, in addition, because the bill would require exports to be carried on U.S.-flag vessels, it also has the strong support of maritime labor. The legislation is particularly important to the independent producers who make up a vital element of the industry.

The independent producers testified before the Committee on Resources that current law forces oil from the No. 1 producing State, Alaska, into the number three producing State in the country, California.

By creating this artificial glut, the law continues to depress California heavy crude production. Though no one in 1973 would have predicted that the original export restrictions would force job losses throughout my State, today independent producers are forced to bear the unintended consequences of that action.

The Department of Energy did do a study that many of us support, and a study where some of the conclusions, I think, may be a very compelling argument for this legislation: That oil production, because of the passage of this legislation, will increase by 100,000 barrels per day; that we will see up to 25,000 jobs being created by a result of increase in investment; we will see State and Federal revenues that will increase by hundreds of millions of dollars well into the future.

These benefits can be achieved with little if any impact on consumer prices. When Congress enacted the Trans-Alaskan Pipeline System in 1973, it did not ban exports. Rather, it recognized that exports might some day be in the national interest and as the Department of Energy studies demonstrate, that day has arrived.

Mr. Chairman, we now have an opportunity to spur additional energy production and create jobs. With imports now meeting over 50 percent of our domestic consumption because of falling production, we must do something quickly to increase energy production in this country.

Some of my colleagues have argued that this is not a good policy to allow for the export of Alaskan oil. But the bottom line is, this policy, if it is enacted, will increase the profitability, it will increase the financial viability of independent oil production, which will increase the productive capacity of oil production in this United States. That clearly contributes to increased energy independence and clearly is good policy.

H.R. 70 will enhance our national energy security, it will create jobs, and it is good policy. I urge my colleagues to vote yes on the pending legislation and against any weakening amendments.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to this legislation.

Mr. Chairman, the principal inherent in the laws that passed in the early 1970s was a keen awareness of the need for American energy independence, or at least a greater degree of it than existed at that time.

Events that have occurred since then really increased the vulnerability and the concerns that were stated in the early 1970s. It is true that there have not been as severe embargoes as occurred in the early 1970s, but the fact is that today we are importing nearly 50 percent of our crude oil.

Those that argue in favor of lifting this ban somehow come to the logic that if somehow we export oil from the United States, in this case, of course, from the Prudhoe Bay area and from other areas on the North Slope, that that is going to help us build independence. They argue that, in fact, the fact that we restrict the marketplace for this oil only to the United States results in lower prices in terms of Alaskan oil.

Mr. Chairman, I would remind my colleagues, and those that are interested in this topic, that, in fact, all of this oil comes principally off public lands. There may be some private lands; some State and some Native American lands.

Mr. YOUNG of Alaska. Prudhoe Bay is all State lands.

Mr. VENTO. Mr. Chairman, I would argue anyway that it is a public resource area and is something that should ensure to the benefit of our independence with regards to oil and to the leases that are present in this area.

So, the idea that there is some continuity or some connection between the lands that were in this case originally Federal lands, national lands,

and that we were looking for a benefit, in fact, some greater degree of independence, and I might say, it has not come at great sacrifice, I do not think, to Native Alaskans or Alaskan citizens or those of the United States, because there are revenues and royalties that have flowed to them that the production in this area, has been, I think according to expectations, it has been good and there has been substantial benefit that has flowed to Alaskans and to others from this.

Mr. Chairman, all we are asking is that the greater degree of benefits be permitted to flow and continue to be available as a backstop of independence to the American people.

I do not think the sponsors of this necessarily have answered that particular question with regards to an increased amount of dependency on imported oil.

Furthermore, of course, at the same time we are arguing that we are arguing for greater and greater areas to be opened up, it seems to me that certainly this change in policy will add additional pressure to Federal public lands in Alaska.

I do not think that the public asks too much in terms of having the use of these Federal resources, when and if they are used, and State resources, indirectly Federal resources, when and if they are used, that there is benefit that flows to the people broadly across the country in terms of energy independence.

Mr. Chairman, we are certainly, I think, in a more vulnerable position today than we were in the 1970s. Hopefully with the conclusion of the Cold War and other activities, we would have greater independence, but I fear that we do not. In fact, many of these areas, some would argue, are even more vulnerable than they were before.

Mr. Chairman, the argument to export this oil and then at the same time to scream that there is a shortage with regards to Alaska, when 90 percent of the coast of Alaska is available for oil, obviously will tend to put more pressure on the Arctic National Wildlife Refuge and we know the qualities and importance of that area, even though there is only a 1 in 5 chance of finding oil there, there will be greater hue and cry to put pressure on there.

Mr. Chairman, I think that those who are hurt here are the consumers. What is hurt is the environment and what is hurt is national security. The gains in terms of production for those that want the symmetry of some sort of free market in a world where there is not a free market, certainly in oil, is an illusion more than a reality. This is short-term gratification in terms of getting a few more dollars in the hands of those that sell the oil today, but long-term problems.

Mr. Chairman, I do not think that we need a policy that suggests we need to

drain and develop all of our oil and resources out of this country first and export it to the Pacific rim. I think there are greater benefits that can be achieved in terms of conservation and other activities that have been spurred, rather than building up and exporting what are essentially U.S. resources and U.S. security.

Mr. Chairman, I speak in opposition to the bill.

As the sponsor of the bill to protect the Arctic National Wildlife Refuge as wilderness, I see today's effort to change the law regarding the export of Alaskan oil to the Far East as yet another way to promote the oil and gas development of the Coastal Plain of the Arctic Refuge. Ending the oil export ban would no doubt increase development pressure for sensitive areas like the Arctic National Wildlife Refuge. As long as the Arctic National Wildlife Refuge is not permanently protected as wilderness, lifting the ban on the export of Alaskan oil is a present risk for those of us committed to the long-term protection of this special area.

The policy inherent in this measure is short term gratification revenue today but long term problems tomorrow. There are those who see no connection and argue the relationship between lifting the export ban on Alaskan oil and the desire to open the Arctic Refuge to oil development. Perhaps pointing out the publicity in the rationale behind these two proposals will help shed light on my concerns.

The rationale for lifting the export ban on Alaskan oil is that there is so much North Slope production that it can't be absorbed on the west coast. By allowing the export of the so called surplus, Alaska and the oil producers will profit by not having to expend resources and funds to ship American oil to the gulf coast. This means Prudhoe Bay oil will be exported.

The rationale for opening ANWR on the other hand is that the United States is facing a national security risk from oil imports, which now exceed 50 percent of consumption. The thinking is that the country must have Arctic Refuge oil if it's going to protect itself from exploitation. But meanwhile Prudhoe Bay oil is about to be exported.

How is it OK to export oil because there's too much being produced but there's a national imperative to drill for more because the Nation isn't producing enough? In most circles, that's talking out of both sides of your mouth. The debate of these two issues is losing something in translation: common sense. What is really going on is that the consumer, national security, and environmental concerns are receiving short shrift, while the special oil interest get what they want: profit and public resources.

The sacrifice of Alaska's environment in the Arctic and Prince William Sound was not authorized by Congress just to make money for the State of Alaska or British Petroleum, but importantly for the national security and energy independence of the people of the United States. Today, we can look back at the true cost and impact. What works and what doesn't.

One of the most important compromises in securing congressional authorization for the construction of the Alaska pipeline in 1973

was the promise that Alaskan oil would be used only in the United States and never exported. The basis for the promise was that if we are going to sacrifice the Alaskan environment for oil production, all of the oil ought to be used for U.S. domestic consumption.

That was the view then, and it should be borne in mind today. The Coastal Plain of the Arctic National Wildlife Refuge belongs to each of us as citizens of the United States. There will never be another place like the Arctic Refuge in our national lands. Incidentally its of interest that vast stretches of Alaska's coastal waters—an estimated 90 percent—are now available for development, but those who hold the leases often delay and speculate playing the market for better prices or deals to increase their profit too often at public expense. There are many other environmental reasons to keep the ban in place that stand on their own concerning the export of Alaskan U.S. domestic crude oil:

The risk of oil spills would increase dramatically. Ships would be traveling in waters that are usually relatively free of tanker traffic but experience some of the worst weather conditions in the North Pacific. In addition, in the wake of the *Exxon Valdez* spill, Congress passed legislation requiring double-hulled tankers to reduce the risks to the sensitive coast of Prince William Sound. If the tankers for Asian trade turn out to be "U.S. flagged"—U.S. crews—but not "U.S. built"—Jones Act—then British Petroleum can avoid the requirement that new tankers be double hulled. This will save millions for BP, but increase the risk of massive oil spills like the *Exxon Valdez*.

In addition, environmental and safety problems plaguing the trans-Alaska pipeline are legion. More than 10,000 safety and electrical violations on the Alaska pipeline have been identified, many of them serious. The ballast treatment facility at Valdez is currently inadequate to handle the tankers that call on it now, and larger tankers for foreign trade would be likely if the ban is lifted.

The oil industry should not be rewarded with higher profits from shipping North Slope oil at the same time it is requesting exemptions from environmental laws. Alyeska, the corporate entity, which runs the pipeline for British Petroleum and the other oil company owners, has for years avoided proper controls and limits on air pollution caused by fumes that are released during tanker loading and recently requested a 12-year delay in meeting air pollution standards for the Nation's largest tanker terminal at Valdez. Lifting the ban would open the door to tankers twice as large. Once we start down this path if appears that the special interests don't quit until they have circumvented most environmental laws and regulations. Lifting the ban on North Slope oil exports would increase sales and enhance revenue for many Alaskans. However, that additional income for a few of our citizens must be weighed against the concerns of the rest of the Nation. Many speculate a few more dollars if the oil is exported, but what of the 1970 promises, and who will answer when a new energy crisis arises and our domestic energy security is pledged abroad? Will we then come stumbling over one another to give short shrift to the sanctity of trade contracts in the face and name of crisis?

Mr. MILLER of California. Mr. Chairman, I yield myself 1 minute just to correct the statement by the gentleman from California who said accurately that most of the major refineries are located in the San Francisco Bay area. That is correct and they are also located in my district.

Mr. Chairman, I say to the gentleman that most of the major refineries are noncommittal on this legislation. I do have two refineries in my district that are opposed to this legislation; one which unfortunately is going to be closed by the time it passes, and the other which is concerned about its supply.

But I want to let the RECORD stand corrected with respect to the large refiners in the bay area. Most of them have been nonfactors in this.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I rise in support of the bill. Somewhere between the analysis of the gentleman from California [Mr. MILLER] and the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. THOMAS] rests the reality of this particular bill. But all of us have a dog in this fight; not just California and Alaska.

□ 1500

And there are a couple of points that I would like to point out. Current policy, by all indications, from all analysis, depresses domestic production. Lifting the ban would increase domestic production by 110,000 barrels of oil per day.

All analysis shows this policy, current policy, stifles jobs. Lifting the ban would create as many as 25,000 jobs by the year 2000.

Current policy threatens maritime jobs and functions. Lifting the ban would preserve as many as 3,300 jobs.

Current policy keeps our oil tankers on a target for a scrap heap. Lifting the ban puts those tankers back into service, U.S.-owned vessels, I might add, with U.S. crews.

Current policy limits growth. Lifting the ban would stimulate commerce and growth.

Current policy suppresses revenue and loses money in our country. Lifting the ban would raise revenue by as much as \$2 billion for State and Federal governments.

Now, I am not against Alaska doing well, and I would like to see California do well, and as the respective States in our Union do well, the Nation does well. Our policy has been flawed. Current policy is not acceptable, and this is a reasonable attempt to, in fact, increase commerce and create jobs.

With that, I will support this initiative, and as with all other initiatives be taken, as far as amendments, seriously, and my amendment, which

would compel the Secretary of Commerce when confronted with problems within the industry, that it would not be discretionary, that the Secretary of Commerce would have to refer immediately to the President those issues for action.

I think the bill provides for an opportunity that those problems be addressed. So, with that, I will support the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. Chairman, members of the committee, I rise in support of House bill 70. It is rare that I get a chance to speak in favor of a Clinton administration policy initiative, and I do not want to miss that chance today.

I want also to associate my comments with the gentleman from Ohio, who did an excellent job of pointing out what is wrong with current policy. The reason current policy discourages jobs, discourages domestic production, discourages the use of American bottoms and tankers and discourages the maritime jobs that, in fact, this bill will help promote itself because current law is based upon the policy of artificial restraints in the marketplace.

There is a reason why we lost almost 200,000 jobs in Louisiana. There is a reason why the oil and gas industry in America lost nearly 400,000 workers. There is a reason why so many oil and gas jobs have left this country. So many companies are, in fact, investing everywhere else in the world in oil and gas exploration and development and sales.

The reason has been artificial restraints on the marketplace imposed upon the industry by this body and by regulatory bodies here in Washington, DC.

Now, Congress has come to understand that. That is why over the last decade we have begun the process of repealing most of those artificial restraints. It was artificial price supports in the marketplace that led to the gas shortages in this country in the last several decades. It was artificial price penalties in the form of windfall profit taxes, about 90-percent windfall profit taxes, that drove so many companies outside of the arena of American production. It is still artificial restraints upon production led by environmentalists who put limits on offshore development, who will not let us develop the Arctic reserves in the Arctic wildlife national reserve. It is still those artificial restraints which caused so many companies to look elsewhere around the world for opportunities to produce energy, and it is those artificial restraints which have put us in a position today where we are more dependent upon foreign sources of energy than ever in our Nation's history.

The White House has caught on. The administration has figured it out. The gentleman from Ohio gave you the numbers.

Removing this one little artificial restraint will do a lot of good for Alaska production, will do a lot of good for California production, will add one modicum of support for domestic production again here in this country.

There are other artificial restraints we ought to look at. We ought to look at the artificial restraints which make it almost impossible to develop many offshore areas in America, that put off limits large areas rich in hydrocarbon resources in Alaska and other areas of this country.

When we had the 5-year leasing plan before our Committee on Merchant Marine and Fisheries, when we still had a committee, the gentleman representing the administration years ago came forward to tell us there was still going to be maintained in the law moratoriums in drilling offshore. We said "Why?" He said, "Well, we are trying to identify the highly environmentally sensitive areas and the low hydrocarbon areas." We asked him, "Well, if you find an area high in hydrocarbon, low in environmental concerns, will you allow those to be drilled?" He said, "Well, not quite. We have got some of those off limits, too." He could not explain it except in politics terms.

The bottom line is politics, Federal regulations, artificial restraints have put this country in a vulnerable position today, and today we have an opportunity to at least remove one of those artificial restraints, and removing this one artificial restraint will help to some degree, will help Alaska, will help California, and in the large measure, as my friend from Ohio has pointed out, help us all in jobs again, helps us all in restoring some semblance of domestic incentive to produce again for this Nation.

This is a good bill. I commend it to you. I am proud to cosponsor it. We need to pass it and get it into conference committee. Yes, my friend from California, I hope in conference committee we begin to debate an incentive policy for deep offshore drilling.

If this country ever needs something, it is to turn around the disincentives we have had for decades and create some incentives again to produce for America. We ought to debate that in conference.

Tomorrow I will be filing a bill comparable to Senator BENNETT JOHNSTON's bill on the Senate side to do just that. It is time for us to recognize that America cannot remain dependent upon foreign sources, that incentivizing the industry here at home makes sense, and removing artificial barriers to production, exploration, development, and refining in this country make good sense for this country, too.

I hope never again to have to vote to send young Louisiana boys and girls to war in the Persian Gulf because they could not get a job in America producing energy for this country. It is time we start turning that around.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I do want to underscore the fact this legislation will produce revenue to the United States, increase oil production and, in fact, produce additional jobs.

The Congressional Budget Office, the nonpartisan Congressional Budget Office, provides figures which support all of those allegations.

Let me just for a minute or two talk about the economics of oil. I know the gentleman from Minnesota and others are absolutely flabbergasted with the logic that if you allow North Slope oil to find its economic home, that policy would, in fact, increase production in both Alaska and California and enhance national security.

To support the comment of the gentleman from Louisiana about Government getting itself involved in areas where it should not involve itself, I want to mention that just a few years ago, Congress in its wisdom passed a so-called windfall profits tax. That did not produce one penny of windfall profits in my area. What it did do was destroy a portion of the oil production in my area.

For example, I talked about heavy oil being produced in our area. You have to heat boilers to drive steam into the ground to allow this heavy oil to come to the surface. There were a number of small refineries that would take the crude oil across the street, down the road from where it was produced. They would refine it only lightly, pull the lights off the top, sell kerosene and other lights at a profit, send the fuel oil or bunker oil back to the boilers to be burned. That was a really nice working arrangement that gave people some jobs and enhanced the oil's value.

When the windfall profits tax was passed, since you were charged a tax if that crude oil left your property, what happened was the producers burned crude oil in their boilers. We did not get the small refineries pulling the lights off. They went out of business. We, in fact, produced fewer Btu's with the dirtier residue because Government told them that was the way they were supposed to conduct their business. It did not tell them directly to do that, but the economics of the situation dictated it.

I would tell the gentleman from Minnesota it is not logic, it is economics that we are dealing with here. When you tell people in Alaska they can only sell their oil to the lower 48, it means Washington, Oregon, or California. You cannot sell it to the East Coast, because that oil would have to pass

through the Panama Canal and go by the second largest producing State in the Union, Texas, and the fourth largest oil-producing State in the United States, Louisiana, before it got to the East Coast.

Oil is a fungible commodity around the world. Contrary to what the gentleman from Connecticut said, we are not saying this oil has to be sold to anybody. That is the old policy. The new policy in H.R. 70 is it will find its economic home. If Californians or Washingtonians bid more than anybody else, it will come to the lower 48. If Japan bids more, it goes to Japan. Japan needs the oil. They would have paid sufficient price to get it.

Where were they getting oil before that? Probably from the Middle East. The oil going from the Middle East to Japan now does not go to Japan. The Middle East folks are looking for a home for their oil. They will turn toward Europe. The oil going to Europe, you see, from the Middle East now puts a pressure on the European oil in the North Sea. That North Sea oil needs to find a home. Guess what, it can go right across the Atlantic to the East Coast. You can wind up getting more oil at a cheaper price on the East Coast if you open up the whole question of where oil goes.

Do not send it where the Government wants it to go. Send it where economics should have it go. You will produce more oil in California, you will produce more oil in Alaska, and we will be more energy self-sufficient.

Mr. MILLER of California. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I praise my colleague from California, Mr. MILLER, who has been a long player in this issue of the protecting of the environment on the California coast.

But I rise in support of this bill. Although some environmentalists oppose ending the ban, the Department of Energy study shows that, indeed, if you lift this ban, it will have an environmental benefit for the State of California. The only ban on exportation of oil in the United States drilled anywhere where there is oil is on Alaska, and because of that ban to foreign countries, it must come to California. It comes in supertankers down the west coast, and when the Alaskan oil spill occurred, we took a look in the State of California about what would it mean if we had a spill like that magnitude on the coast. The area most vulnerable to a spill is the district I represent, along Big Sur and the Santa Cruz-Monterey Bay coastline. The resources along that coastline are so valuable you could not put a price tag on them.

It became of interest to a lot of people to say, "Look, how can we mitigate any issue relating to oil tanker traffic in creation of the National Marine Sanctuary?" They have asked the

tanker carriers to go out to 60 miles. One of the carriers, ARCO does that on a regular basis because a 60-mile buffer on the coast gives them at least some buffer zone if any accident should occur.

So, by lifting this ban it essentially says that oil can be exported where there is a market, where the refineries are.

Japan is the logical buyer of that oil and the processor of that oil.

So I rise in support of this issue. From an environmental standpoint, I think it is going to be a better management of the delicate resources along the coast, and there is a secondary benefit, and that is that California is a large oil-producing State. Monterey County is a very environmentally sensitive county. It has the fifth largest oil-producing field in the State of California.

So if we increase the oil production onshore, which the environmental community has already indicated we ought to go onshore before offshore, and I have led successful battles to prevent offshore oil drilling, we will, indeed, allow more onshore production, which will increase the local revenues and be a benefit to the local counties.

This is a win-win for jobs for California, revenues for the counties, for the environment. I support this bill.

Mr. Chairman, ending the export ban for Alaskan oil is clearly a critical issue for the State of California. Hundreds of thousands of barrels per day of Alaskan crude come to California, with profound effects on California's oil market. I support this committee's efforts to examine in greater detail the effect of this current practice, and the possible ramifications of ending the ban on Alaskan oil exports.

Many have discussed ending the ban in terms of its economic effects. This is clearly an important factor: California is the third largest producer of crude in the United States, and any change of policy which benefits California oil producers will have a profound effect on California's economy, job creation in the region, and tax revenues at both the State and Federal level.

In addition to economic effects, however, we must also examine how ending the oil export ban would affect both the natural environment and U.S. workers. Ending the ban may be beneficial for both the environment and employment if it means less oil tanker traffic along the California coastline, less pressure to develop in the Arctic National Wildlife Refuge, and secure shipping jobs and increased employment in California.

In reviewing H.R. 70, we should take into consideration the testimony not only of those who are experts in the field, but those who would be most affected by removing the ban. I appreciate the testimony of those who have come before the committee today, including Deputy Secretary William White from the Department of Energy, representatives from labor organizations, and members of the California oil industry. I look forward to further debate in the committee on this important legislation.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. In responding to my friend from California, who said this is not logic, it is economics, I would probably just say I could rest my case at that particular basis.

But the fact is I understand that the oil is restricted to the continental United States, that the price of the oil is impacted, but I think that is a trade-off in terms of the issue of energy security.

We have gone through quite a bit of expense, whether it is Strategic Petroleum Reserve and other efforts.

I can hardly wait for the next time that we have a crisis and we will be tripping over one another here to deal with the so-called sanctity of contracts in terms of free markets. There is not a free market in oil.

□ 1515

It is greatly impacted by a variety of different nations that have, in fact, conspired on a regular basis to try to limit and to raise the price. I know that it is very important to some in the Chamber here to raise the price of oil. They see it as a benefit in terms of exploration and development, to put it kindly. There are others that might see it as some more money in their pocket, to put it not so kindly.

So I would just suggest this policy is actually working. I appreciate the fact that oil tankers might spill oil if they are carrying it close to coast, and better to develop it on coast. We are really running that risk, and we face that all the time.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rise today to speak on H.R. 70, a bill that amends the Mineral Leasing Act to permit exports of Alaska North Slope oil. Since 1973 when Congress enacted the Trans-Alaska Pipeline Authorization Act in wake of the Arab-Israeli war and the first oil embargo, ANS oil has been dedicated solely for domestic uses, as has been pointed out.

Over 20 percent of the oil produced in the United States, which currently amounts to about 1.6 million barrels a day, comes from the Alaska North Slope. The oil is transported by tankers, as has been indicated, to refineries on the West Coast, Hawaii, and other domestic destinations. The tankers that ship ANS oil are required under the Merchant Marine Act of 1920—Jones Act—to be U.S. built, flagged and crewed, which I strongly support.

Mr. Chairman, my primary concern with exporting ANS centers on its effects in Hawaii, as my colleagues can well imagine. Hawaii was an energy market that is uniquely different from all the other States in the Union. The State of Hawaii depends on imported oil for over 92 percent of its energy supply, a large share of which comes from

Alaska. Currently, Hawaii leads the Nation in energy costs. A recent survey found that the average price for a gallon of gasoline in Hawaii was \$1.76. The nationwide average was \$1.33.

In June 1994, the U.S. Department of Energy released a study which has been mentioned as well. It is my understanding that the study concludes that permitting exports would benefit the U.S. economy which I do not propose to debate, yet Hawaii was not even mentioned in the report. Thus, any attempt to make assumptions on Hawaii's consumers and economy based on the DOE study would be inaccurate and perhaps misleading. I was pleased to note during the committee process the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, has been very willing to accommodate the concerns raised by myself on behalf of Hawaii consumers. At this point, I would like to enter into a colloquy with the gentleman from Alaska regarding an amendment I offered in the committee.

As the chairman will recall, during markup, the Committee on Resources adopted by voice vote an amendment very important to the citizens of Hawaii. As further modified and improved under the committee print, the amendment would ensure that, before making the required national interest determination, the President would specifically consider the likely impact of Alaskan oil exports on consumers, especially in Hawaii and Pacific territories. Because Hawaii has an energy market that is unique and depends on imports for over 92 percent of its energy supply, a large share of which comes from the Alaska North Slope, it is essential that the President satisfy himself that exports will not harm consumers. I understand the chairman shares my concerns and would be willing to work with us in the future should any unanticipated problems develop.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment the gentleman on his hard work bringing this to my attention. The gentleman is absolutely correct. The committee has been very sensitive to the concerns of the consumers of Hawaii as a result of the actions from the gentleman. Knowing of these concerns, I supported his amendment in committee and further revived the text of the committee print to insure that the President will consider the impact of proposed exports on consumers in noncontiguous States before making his national-interest determination. As the gentleman will recall, the committee print also established a mechanism for the President to monitor supply and price developments. The committee print provides

the President with the power to modify or revoke the authority to export in appropriate circumstances.

Again let me assure the gentleman from Hawaii [Mr. ABERCROMBIE] that it is in the intent of this legislation to cause no harm to consumers in Hawaii. I will be glad to work with him in the future to address any problems that arise but otherwise cannot be adequately addressed in the procedures included in our legislation.

Mr. ABERCROMBIE. Mr. Chairman, may I say in conclusion to the gentleman from Alaska that Hawaii and Alaska share unique difficulties and opportunities, and I am very pleased to be working with him.

The correspondence between myself and the Department of Energy regarding Hawaii's energy situation, clarifying the intent of the amendment, and the understanding that the Department of Commerce monitoring responsibilities required in H.R. 70 evaluate consumer impacts will be included in the RECORD:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 6, 1995.

HON. HAZEL R. O'LEARY,  
Secretary of Energy, U.S. Department of Energy,  
Washington, DC.

DEAR SECRETARY O'LEARY: On May 17, the House Committee on Resources reported H.R. 70, a bill that amends the Mineral Leasing Act to permit exports of Alaska North Slope oil. The committee reported substitute contains an amendment which I offered that was adopted by voice vote. The purpose of the Abercrombie amendment is to require the President to make a determination prior to the exporting of crude oil from the Alaska North Slope that the activity will not have an effect which is likely to harm consumers in noncontiguous states.

Hawaii has an energy market that is uniquely different from the other states in the Union. The State of Hawaii depends on imported oil for over 92 percent of its energy supply, a large share of which comes from Alaska. Currently, Hawaii leads the nation in energy costs. A recent survey found that the average price for a gallon of gasoline in Hawaii was \$1.76. The nationwide average was \$1.33. In addition, the neighbor islands already have some of the highest costs in terms of electricity production. In particular, Maui and the island of Hawaii rely heavily on fuel oil processed from the Alaska North Slope.

In June 1994, the U.S. Department of Energy (DOE) released a study on "Exporting Alaskan North Slope Crude Oil: Benefits and Costs." It is my understanding that the study concludes that permitting exports would benefit the U.S. economy. Yet, Hawaii was not even mentioned in the report. Thus any attempt to make assumptions about Hawaii's consumers and economy based on the DOE study would be inaccurate and misleading.

Senator Murray offered an amendment that contained language similar to the Abercrombie amendment. The Murray amendment requires the President in consultation with the Attorney General and the Secretary of Commerce to examine the effects of exporting crude oil on independent refiners and adverse employment consequences in the United States. The Murray amendment was

adopted in the Senate. However, there was not sufficient time to review the Senate language prior to the mark-up of H.R. 70 in the House Committee on Resources. In addition, the Murray amendment did not address harm to consumers.

As you may know, the Dooley/Tauzin substitute to H.R. 70 was not available until the day before the full Committee mark-up preventing any consensus on final language of the Abercrombie amendment. The Abercrombie amendment is a work in progress that was written to protect consumers in non-contiguous states. The language contained in the Abercrombie amendment was adapted from the testimony of William H. White, Deputy Secretary of Energy, presented to the Committee on May 9. As a result, I would greatly appreciate the Department of Energy's interpretation and analysis of the Abercrombie amendment prior to the consideration of H.R. 70 by the House of Representatives. A copy of the amendment is enclosed for your review.

Also, it is my understanding that the Secretary of Commerce, under the authority of the Export Administration Act, will administer the export license of Alaska North Slope crude oil. It is vital that one of the conditions attached to the export of crude oil at the front end include a proviso that the activity will not have an effect which is likely to harm consumers in noncontiguous states. As currently contained in H.R. 70, I would like a written explanation of the mechanisms and criteria to be utilized by the Department of Commerce in the continual monitoring process regarding the export of Alaska North Slope oil as it relates to consumers, particularly as it pertains to consumers in noncontiguous states.

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

NEIL ABERCROMBIE,  
Member of Congress.

Enclosure.

On page 2, insert after line 6 the following:  
(C) shall consider whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers in noncontiguous states.

THE DEPUTY SECRETARY  
OF ENERGY,  
Washington, DC, June 30, 1995.

HON. NEIL ABERCROMBIE,  
U.S. House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: Thank you for your letter of June 8, 1995, to Secretary O'Leary on the subject of Alaska North Slope (ANS) crude oil export legislation now under consideration in the House.

The Department of Energy certainly is aware of Hawaii's dependence on petroleum for nearly all of its energy needs. Although we did not consider the impacts specific to Hawaii of permitting ANS exports in our 1994 report, we have followed and will continue to follow Hawaii's energy situation, including consumer prices for petroleum products, with data collected and published by DOE's Energy Information Administration (EIA) and with other privately collected statistics. Our recent review of Hawaii's energy situation shows the magnitude of the State's heavy reliance on oil, and some of the pos-

sible implications of exporting ANS crude oil:

Petroleum products refined at the State's two refineries provide about 98 percent of Hawaii's energy needs. Alaskan North Slope crude oil provides 45 percent of the crude oil supply to these two refineries.

Hawaii consumes about 125,000 barrels per day of petroleum products distributed among residual fuel oil (38%), jet fuel (22%), gasoline (20%), No. 2 fuel oil (12%), and other products (8%) (See Figure 1). Residual fuel is the largest petroleum product because most of Hawaii's electricity is generated using this product.

Gasoline consumption in the State is about 25,000 barrels per day. Gasoline prices in Hawaii are substantially higher than California and the national average, while the prices of other petroleum products are only slightly higher (See Figure 2). The differences in prices appear to represent competitive conditions in Hawaii: private citizens depend on gasoline that is supplied by only two refiners while commercial and industrial consumers can obtain other products from multiple sources.

The impact on Hawaii's consumers from a change in the ANS export situation should be modest. If West Coast ANS oil prices rise by \$1.20 to \$1.60 per barrel (3 to 4 cents per gallon) as estimated by the DOE in its June 1994 export study, and ANS crude oil remains 45 percent of Hawaiian refinery supply, the additional production cost amounts to about 1.3 to 1.7 cents per gallon of product.

If past performance is any guide, this additional cost to the Hawaiian economy will have negligible impact. Figure 3 indicates that Hawaii's economic growth has been relatively insensitive to crude oil prices. Between 1977 and 1981, oil prices more than doubled, yet Hawaii's gross state product growth substantially exceeded the national average. Even during the latter part of the 1980s through 1992, when crude oil prices were again volatile, Hawaii's economy grew faster than the U.S. as a whole.

Your amendment to H.R. 70 would add a third factor that the President must consider in determining whether permitting exportation of ANS crude oil is contrary to the national interest. Specifically, the amendment would require consideration of whether those persons exporting ANS oil would be likely to engage in anticompetitive activity that would cause significant adverse employment effects in the U.S., or substantial harm to consumers in Hawaii. Full consideration of these important issues is consistent with a determination concerning our national interests in permitting ANS exports.

It is our understanding that the Department of Commerce, in carrying out its monitoring responsibilities under H.R. 70, will coordinate closely with DOE. In particular, the agencies would monitor readily available petroleum market data for possible oil supply shortages or sustained above-market oil prices, and evaluate the consequential consumer impacts, in Hawaii and elsewhere in the U.S. It is our expectation that the two agencies will rely on data collected by EIA, the Bureau of Economic Analysis, the Bureau of Census, and private organizations.

We look forward to working with you and your staff further on this important issue.

Sincerely,

BILL WHITE.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to this foolish attempt to sell out America's resources

and put our marine life, our fisheries, and our air at serious risk.

Mr. Chairman, I represent 140 miles of Marin and Sonoma County coastline in California—beautiful coastline with valuable marine resources, which would be permanently destroyed, if those who want to sell out our Nation's natural resources to the special interest have their way.

Lifting the ban on Alaskan oil exports poses significant environmental risks without offering any benefits. Not only would this bill put pristine Alaskan wilderness and valuable fisheries at risk, it would also increase the risk of devastating oil spills off the California coastline.

Mr. Chairman, this is simply not tolerable.

The people of my district will not stand for such short-sighted and dangerous policy as proposed by this bill. We cannot permit our coastal waters to be fouled by the damaging effects of oil drilling and transportation. We cannot put our marine life, our fisheries, and our air at serious risk.

I urge my colleagues to join in the effort to stop the sell out of our precious resources—our livelihood and our environment—by voting against this bill.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 10 seconds before I yield to the gentleman from Pennsylvania [Mr. GEKAS].

I am amazed that the previous speaker would talk about the environment when in reality she has the tankers going right by her front door—of Alaskan crude oil that can possibly spill—and that is what this report says, so I cannot quite figure out the analogies of why are supposed to be environmentally safe to paint those big ships by their front door and yet say they are going to protect their coast. I just cannot figure that.

Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, when I first came to the Congress, I had to explain time and time again to different entities in our constituency why we are 50 percent, back then, dependent on foreign oil for our standard of living here in this country. So I started the litany of explanations. We used to have oil depletion allowance, I said. Now that has been wiped off the books. That gives a disincentive for people, our fellow Americans, for drilling for oil in our own soil. I said on top of that that we have a ban on Alaskan exports and a ban on fullest development of Alaskan oil resources, and I went on to say, and then there is a ban on offshore drilling.

Now my colleagues can understand why I said back then why we are 50-percent dependent on foreign oil.

Now what have we done since then?

We have come to a point where we are 52-percent dependent on foreign oil. So the only question that should be raised and asked by Members of Congress as they approach the vote on this piece of legislation is this: Will our dependence on foreign oil increase or decrease as a result of this legislation?

Vote "yes" on the bill offered by the gentleman from Alaska.

Mr. FAZIO of California. Mr. Chairman, I rise in support of H.R. 70 to lift the ban on Alaskan oil exports. This legislation will encourage oil production in my home State and in Alaska in a reasonable fashion. To promote jobs and energy security, I urge my colleagues to vote yes.

Congress was appropriately concerned in 1973 about ensuring that Alaskan oil be available for domestic consumption. Given the fundamental changes that have occurred in the world market, however, the time has come to evaluate this policy in a new light.

Among the changes in the world oil market is the diminishment of OPEC and its power over the price of oil. This has helped to diversify our supplies from other countries such as Mexico and Canada. We also have taken the precaution of building up the strategic petroleum reserve to protect us against the monopolistic threats of the 1970's.

Now is the time to be concerned about our domestic energy production and ensuring that small independent producers remain viable. In order to ensure that these small producers, particularly those in California, maintain production and create jobs that need a better economic return on their investment.

I urge my colleagues to support this measure which is a step toward improved national security and sustainable domestic production.

Mr. POSHARD. Mr. Chairman, I rise in strong support of this legislation and salute the authors for their hard work in bringing it to the floor for a vote today.

I am a cosponsor of the bill, and, in my capacity as cochair of the congressional oil and gas forum, have supported lifting the ban on Alaskan North Slope oil. I also thank the administration for its support of the legislation.

Our domestic oil and gas industry is working hard to survive in a highly competitive marketplace. In the 19th Congressional District of Illinois, which I am privileged to represent, we have independent operators who are struggling mightily to run their businesses in a profitable manner. The difficulties encountered by this industry have impacted on the small towns and villages in our area which are very dependent on the oil industry for jobs and economic activity.

Lifting the ban on ANS oil will help create new jobs and will also bring revenue into the Federal treasury. That is a combination which is worthy of support and I strongly encourage my colleagues to vote in favor of lifting the ban.

Mr. CALVERT. Mr. Chairman, I rise to join my colleagues in support of H.R. 70.

Whether or not the ban on Alaskan oil exports made sense in 1973, it is having harmful and unintended consequences today. This ban has effectively forced Alaska to sell the bulk of its production in my home State of California

and has severely damaged our oil and gas industry.

Left in place, the ban will ensure a further decline in the production of crude oil in Alaska and California, resulting in thousands of lost jobs.

For the small businesses that make up the bulk of the oil and gas industry in California, this legislation is vital to their future. If they can sell heavy crude oil into a market that no longer is distorted by artificial restraints, they will have a future producing oil.

In recent weeks, prices have been edging down. Today, Kern County heavy crude was posted at \$13.75 a barrel.

We need to do something to help get them back to the levels at which significant investments will be made.

Many of the independent oil producers have told me they will begin hiring the minute this bill is enacted. So the potential for job gains is quite real.

I strongly urge my colleagues to support H.R. 70 and provide the oil and gas industry of my State with relief.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 70, to lift the current ban on Alaskan oil exports.

During the late 1970's, worldwide concern over crude oil shortages prompted our Government to change its policies regarding the domestic production of oil. World oil markets have changed dramatically since then.

Although the perception persists that we are dependent on oil from Iran, Iraq, Libya, and other hostile countries, Canada and Mexico, our reliable neighbors to the north and south, are among our largest suppliers of imported oil today. In addition, to avert the unlikely event of a future oil crisis, we have placed nearly 600 million barrels of oil in our strategic petroleum reserve.

While we have done much to prevent an oil import crisis, little has been done to encourage domestic oil production and sales abroad. By lifting this ban, we would allow the market to determine the price and buyer for surplus crude oil. We would also promote increased international trade during a time when our trade deficit continues to widen—a deficit partly based on our massive importation of fossil fuels.

According to a study completed by the Energy Department, lifting the export ban would increase our production of crude oil by as much as 110,000 barrels per day. This increase would also result in increased revenue, as much as \$2 billion, for Federal and State governments. According to the Department, 25,000 jobs in the oil industry would be created and over 3,000 jobs in the maritime industry would be saved. Ultimately, the lifting of the ban will lead to sustained economic growth for the State of Alaska and the Nation.

It is time for the Federal Government to take action to increase our opportunities abroad and to increase investment at home. This legislation achieves these goals. I urge my colleagues to support and end to the ban on Alaskan oil exports.

Mr. METCALF. Mr. Chairman, I rise in opposition to the bill.

Does anyone really believe that exporting oil from the United States will decrease our dependence on foreign oil? It will increase our dependence.

It was argued that current law has produced a glut of gasoline on the west coast. We haven't noticed. I simply do not believe that my constituents are paying too little for gasoline. I paid \$1.42 a gallon for unleaded gas last Saturday in Everett. We have endured a gasoline price increase of more than 20 cents in the past several months.

The United States is clearly dependent on imported oil. But if we don't have enough oil here, why are we selling oil to nations in Asia? Who do you think is going to profit from these exports? A foreign corporation, British Petroleum, will profit handsomely—as will Alaska.

While the benefits of exporting this oil are being debated in corporate boardrooms, I fear my constituents may have to pay even higher prices at the pump.

Mr. Speaker, this bill just does not make good sense in Washington State. Further, because of possible price increases, it does not make sense anywhere on the Pacific Coast. I predict that we will not have adequate supplies of oil for west coast refineries, at prices we'll be comfortable with. I intend to vote "no" and urge my colleagues to do the same.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong opposition to H.R. 70. Lifting the ban on Alaskan North Slope [ANS] crude oil will heavily burden the State of Hawaii by augmenting U.S. dependence on foreign oil and dramatically increasing consumer prices. Because Hawaii consumers already pay the highest gasoline prices in the Nation, to allow gasoline prices to increase further would be disastrous for Hawaii's economy.

Industry experts say that lifting the ban could increase wellhead prices for ANA by more than \$2 per barrel, depending on the amount exported. Oil refineries in my State are designed to run on 60-percent crude oil. More than half of the crude oil processed in Hawaii's largest refinery run by BHP Petroleum Americas [BHP] is ANS crude, with the remaining coming from Pacific Basin countries. BHP states in a letter to me that should Hawaii's refineries be charged increased costs for ANS, "Refiners will be forced to pass along that increased cost to consumers." The letter further states, "In addition to paying increased prices, the supply of ANS crude oil to Hawaii and the U.S. Territories would be reduced." The removal of the ANS export ban would be expected to increase the supply of ANS crude to Pacific rim countries—oil that would otherwise come to Hawaii. It is highly irresponsible, in a time when the United States is importing nearly half of its petroleum, that American export policy would be changed to allow increased exportation of domestic crude oil.

Similarly, this legislation would burden west coast States by increasing consumer prices for those States and abandoning these States in their need for domestic oil. According to BHP, "If the ban were lifted, we believe we would see no increase in U.S. oil production but we would see an increased U.S. dependence on Persian Gulf oil." Because foreign-owned British Petroleum [BP] holds the monopoly on the sale of ANS crude oil to the west coast, and these States have no substitute supplier, BP would have the ability to squeeze availability of ANS to these States and charge higher prices to refiners. West coast refineries, like Hawaii refineries, do not

have the capacity to simply absorb these increased costs and will be forced to raise their prices.

Last, lifting the ANS export ban poses serious environmental concerns for the Pacific Basin. New export routes from Alaska to Japan would jeopardize the safety of Pacific fisheries and conservation areas that could be subject to *Exxon Valdez*. Growing demand for ANS crude oil would also increase harmful drilling, especially within the Arctic National Wildlife Refuge. In 1973, when Congress voted to allow ANS oil production, I voted for this export ban that ensured that such oil exploration and development would be for domestic purposes only. An overturn of the ban is an outright abrogation of Congress' original intent regarding the ANS oil supply.

I urge my colleagues to cast their votes in opposition to this harmful, shortsighted legislation which would have tragic effects for the Nation as a whole, and especially for the State of Hawaii.

The CHAIRMAN. All time for general debate has expired. The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of question shall not be less than 15 minutes.

The clerk will designate section 1.

The text of section 1 is as follows:

H.R. 70

**SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.**

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended—

(1) by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) may be exported unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

"(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States;

"(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of the enactment of this subsection; and

"(C) shall consider whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers in noncontiguous States.

The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over a right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.";

and

(2) by striking subsection (u).

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute Offered by Mr. YOUNG of Alaska: Strike all after the enacting clause and insert the following:

**SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.**

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

**"EXPORTS OF ALASKAN NORTH SLOPE OIL**

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the national interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

"(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

"(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

"(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exports of this oil or under Part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271-76).

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of

the President's national interest determination, including any licensing requirements and conditions, within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of this title 5, United States Code."

**SEC. 2. GAO REPORT.**

(a) **REVIEW.**—The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review two years after the date of enactment of this Act and, within six months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) **CONTENTS OF REPORT.**—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

Mr. YOUNG of Alaska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I rise to offer an amendment in the nature of a substitute. The substitute has the support of the administration and many other interest groups.

The amendment brings the bill in conformity with title 2 of S. 395. In a nutshell, it would, among other things:

Allow exports to be carried in U.S.-flag, U.S.-crewed vessels.

Require the President to make a national interest determination.

Require the President to conduct an environmental review, as well examining the effect of exports on jobs, consumers and supplies of oil.

The President could impose terms and conditions other than a volume limitation.

The Secretary of Commerce would be required to issue any rules necessary to implement the President's finding within 30 days.

If the Secretary found drastic oil shortages or price increases, he could recommend actions, including modification and removal of the authority to export.

Actions under this bill would not be subject to traditional burdensome notice and comment rulemaking requirements.

The President would retain his authority to block exports in times of emergency.

Finally, the substitute would also require the GAO to prepare a report assessing the impact of ANS exports on consumers, independent refiners, shipbuilders and repair yards.

I urge support for the amendment in the nature of a substitute.

AMENDMENT OFFERED BY MR. TRAFICANT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: On page 4, line 5, strike "may" and insert "shall".

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.

Mr. TRAFICANT. Mr. Chairman, the language in the bill gives the Secretary of Commerce the discretion when the Secretary, for example, would define under section 1, clause 5, if the Secretary would find that an anticompetitive activity by a person exporting crude oil under the authority of this subsection has caused crude oil supply shortages or sustained crude oil price significantly above world market levels and would further find that these supply shortages or increases of prices have caused adverse employment effects in the United States, that the Secretary of Commerce, in consultation with the Secretary of Energy, may, may recommend to the President appropriate action against such person, et cetera. The Traficant amendment says that this should not be a discretionary process, and when the Secretary uncovers and discovers this type of an adversary impact from this legislation, that the Secretary shall, in fact, recommend to the President, not may, in fact, recommend.

I do not want the decision of whether or not to take action to be left to the discretion of some bureaucrats in the Commerce Department. If American jobs are being lost or subject to an adverse impact, the Secretary under this

legislation should be required to, in fact, take immediate action.

That is the general nature of the legislation. It is simply changing the discretionary may to a compelling shall in that regard.

Mr. Chairman, I yield to the distinguished gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I am so impressed that the gentleman from Ohio has made me accept his amendment with great happiness and joy. It makes great sense. We should have put it in to begin with, and I thank the gentleman for offering it.

Mr. Chairman, we do accept the amendment.

□ 1530

Mr. TRAFICANT. I yield to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I want to commend the gentleman from Ohio. The gentleman has worked with us on a number of amendments, and it was a pleasure to operate in a process of discussion, in which we were trying to perfect amendments, instead of trying to create an amendment that would gut the bill. I want to thank the gentleman for his cooperation.

Mr. TRAFICANT. Mr. Chairman, I ask for an "aye" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG]? AMENDMENT OFFERED BY MR. GEJDENSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. GEJDENSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 3, line 8, add the following after the period: "In the event that vessels so documented cannot be used to transport any of the exported oil, the authority granted by paragraph (1) shall terminate immediately."

Mr. GEJDENSON. Mr. Chairman, I would hope the sponsors of the bill would support this amendment. This amendment takes them simply at their word that their confidence that American crews and bottoms would be used to export this oil will in fact become the case. Under the legislation, it is their argument that they will use American merchant mariners to ship this oil.

What this amendment simply says is that if under any of the international

agreements that we have, that this provision is struck and American bottoms and merchant mariners are not used, that would stop the shipment of the oil until we could resolve this issue.

Part of the way the proponents of this legislation have been able to sell this, at least to some of the Members of this House, is by convincing them that Americans will move the oil. They assure us continuously that that will withstand any challenges.

Well, if they are that confident that they are going to be able to fulfill this pledge, then I would hope the gentleman from Alaska [Mr. YOUNG] would be willing to accept this amendment, unless, of course, he is not confident that the language in the legislation will withstand any and all legal challenges. If that is the case, then the gentleman is also telling Members of this body something about this legislation and the commitments within.

Again, Mr. Chairman, I say that this is dangerous legislation. It endangers our national security, and it endangers the environment.

The gentleman from Alaska is doing the right thing as an Alaskan, possibly. It will benefit the State of Alaska; it will benefit oil companies, without any question, around this country. It does not work in the best interests of the United States, and it is questionable whether it will work in the best interests of American mariners, in that unless we are hearing there is support for the amendment, I would have to be left with the impression they are not even confident that this small commitment to American workers will be sustained. Mr. Chairman, this bill, H.R. 70, requires that all ships exporting Alaska oil be U.S.-flag ships.

That provision in the bill is a clear response to the concerns raised regarding the employment of American merchant mariners.

In this bill, British Petroleum makes a deal with U.S. merchant mariners: Congress will allow the export of Alaska oil and you, American workers on ships, will continue to have jobs on the ships carrying the oil abroad.

I would hope that the sponsors of this bill would support the amendment that I am now offering.

My amendment simply ensures that U.S. merchant mariners get the protection the bill's sponsors say they intended to provide.

This is a very simple amendment.

Under this amendment, should British Petroleum as the leading exporter of Alaska oil, (or anyone else) renege on its commitment that ships exporting Alaska oil be U.S.-flag ships, then Alaska oil could not be exported.

So, if British Petroleum does not fulfill its end of the bargain with Americans working on ships carrying Alaska oil, then such oil cannot be exported.

For example, if the U.S. Government and British Petroleum abandon the U.S.-flag requirement because it interferes with a treaty or other international obligation, then Alaska oil could not be sold abroad.

Alaska oil could still be sent to California and other domestic destinations where U.S. seamen would have jobs in the ships carrying the oil.

If the commitment in the bill to American merchant mariners is real and enforceable, then the proponents of the bill should wholeheartedly support this amendment.

After all, the amendment is only ensuring that their commitment to these working Americans is fulfilled.

The bill's proponents have minimized the potential problems with complying with the commitment to American merchant mariners.

They have said that our international trade obligations are not violated and that there will be no problem complying with the requirement that ships carrying Alaska oil be U.S.-flag ships.

If that is the case, then they should support my amendment.

If there is a risk with compliance, and those wanting to export Alaska oil cannot fulfill their end of the deal, then American workers should be protected.

Once again, I am hopeful that the supporters of this bill would support this amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I would rise in support of this legislation. As the gentleman knows as a member of the committee, when we discussed this legislation in committee, this was one of the major tenants of the acceptance of this bill, I think on a bipartisan basis, was that this oil would be carried in American transportation and would provide jobs for those individuals who are currently engaged, and hopefully if production is increased under this legislation, that were engaged in the transportation of oil now to the lower 48, they would continue to be utilized.

Some people have suggested that that would raise trouble with international trade agreements. If that is the case, then we have to rethink what it is we have told people the benefits of this legislation will or will not be. Certainly we would have to rethink the arrangement by which we are then engaging in the export of that oil, should that ever happen.

I think the gentleman's amendment is a good fail-safe amendment for those who have been supporting against their historical positions of opposition to this legislation, that they would in fact be protected and that a deal is a deal, as the gentleman has said. I would hope that we would support this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, this is a very mischievous amendment. Just think of the term "terminate." Terminator I, Terminator II. This is exactly what this does to the bill. Let us not kid ourselves.

The bill is very self-explanatory. It says exports will be only on U.S.-crewed, U.S.-flagged vessels. That is in the bill. If it is not on U.S.-crewed or U.S.-flagged vessels, in fact there would be no oil export.

What happens? Let us say that all the vessels for some strange reason became totally occupied, absolutely occupied, and we had to move the oil because the storage was not available, and we put it on one ship that was not, then the whole thing is terminated. We might as well go home. That is really what it does. Look at that word "terminate," very smartly put in there.

I want to suggest this amendment, as I say, is very mischievous and, by the way, not supported by any of the maritime unions. We worked closely with the maritime unions, closely with the Shipbuilding League, very closely with everybody involved in this issue, asking for their input, asking for their suggestions, and we have suggested very nearly everything they have suggested within the realities of other laws, such as GATT, international trade, et cetera, et cetera. We have done that.

To have this amendment offered at this time, very frankly, with all due respect to my good friend from Connecticut, it causes me great, great anguish to have this presented as one that says well, this is just another fail-safe part of this bill. As a backup to what you say, it says it in the bill. The bill is very clear. It is there.

By the word "termination," it is absolutely a killer amendment, and I urge that it be defeated.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would be happy to find other terminology for the gentleman. But the basic issue here is in the gentleman's legislation there is no remedy for American workers and American shippers, if that rule is out.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, there are all kinds of remedies, the Secretary of Commerce, the President of the United States, the Congress itself. Let us not kid ourselves. There are so many safeguards in this. This is the only State in the United States that has this ban put upon it.

This is a mischievous amendment. I do not blame the gentleman. The gentleman did not support the bill in the committee, he talked against the bill in the general debate, he wants to defeat the bill, and I understand why he offers the amendment. I compliment him for that. This is a mischievous amendment that should be soundly defeated.

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

Mr. Chairman, as the chairman of the committee indicated, we worked with a

number of Members to either resolve their concerns about the bill or worked with them on the amendments that they proposed. The gentleman from Ohio, the gentleman from Hawaii, the gentleman from Washington are good examples.

The rule underlying this debate indicated that to the extent possible, we wanted people to preprint their amendments in the CONGRESSIONAL RECORD. Obviously, the gentleman from Connecticut, for whatever reason, did not make the preprint date. I saw this amendment just a few moments ago, and, of course, we are trying to figure out exactly what it means.

Apparently in the gentleman's amendment, and I will assume that the gentleman is offering it in good faith, if there is any deviation from the U.S.-flagged, U.S.-staffed ship, the entire legislation is terminated immediately.

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

Mr. THOMAS. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I will be happy to change the language.

Mr. THOMAS. Mr. Chairman, reclaiming my time, I would have loved to have worked with the gentleman over the last 3 months that this bill has either been in front of the committee, of which he is a member, as the ranking member pointed out, and to which he did not offer this amendment or any of the last several weeks after the bill passed the committee when we were working on the legislation, if he felt this burning desire to come up with the proposal or any time last week when he knew this was possibly to be scheduled for floor debate. He did not seem to want to work on an amendment at that time. But now, not only at the 11 hour, but half past midnight when we are debating the bill, he comes to the floor and says he has an amendment on which he would like to work with us.

What you need to know is that the exceptions in the bill cover all situations. U.S.-flagged and staffed vessels are required, with the exception of cases covered in any international agreements that we have entered into prior to 1979, and under the provisions of the Oil Emergency Act because, as you will recall, a number of nations were concerned about their ability to get oil if the unstable area of the Middle East, as the gentleman from Connecticut described it, actually denied them oil. We have a number of agreements on an emergency basis in which we will move oil on an as-needed basis.

Obviously the President in his wisdom, in trying to assist nations who are being crippled by someone else's oil blackmail, will certainly take into consideration this legislation. But the President as Commander in Chief and the President of this country will make decisions as he sees fit in times of emergency.

It is absolutely ludicrous to offer an amendment at this time that says if you do not stick to one provision of the bill, notwithstanding the emergency provisions or the international agreement provisions, that the act itself will terminate.

I think we need to read the amendment the way in which I now believe it was presented, and that is as a pernicious amendment by the opponent of the legislation in an attempt to not only weaken it, but indeed to defeat it.

I would ask that we reject the gentleman from Connecticut's first amendment, as I understand it.

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

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

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

Mr. GEJDENSON. Mr. Chairman, I think there are some fundamental issues here being avoided. First, it is clearly not half past midnight. It is about 20 of 4. It is the middle of the day. We are not under a lot of pressure. We have a piece of debate here that I think, frankly, maybe we should have dealt with earlier, but I think what you are trying to do is avoid the merits.

The merit is this: If we have an international body, which we are members to, throwing out the guarantee to American workers, then there is no protection for those workers and you have sold them a bill of goods.

Again, I commend the gentleman from Alaska. He has taken care of his constituents; people on this floor are taking care of oil companies. I am talking about the rest of America, the people that depend on the reserves up there, the people who paid for Alaska in the first place. The gentleman from Alaska would be speaking Russian today, not English. This country went to great lengths to secure that area. The rest of America has a right to be protected in this legislation, workers, environmentalists, and consumers.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for his remarks, and again I would hope that the committee would support the passage of the Gejdenson amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

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

RECORDED VOTE

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

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment will be postponed.

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

Mr. Chairman, I would like to enter into a colloquy with the distinguished chairman of the committee.

Mr. Chairman, the version of the Alaskan oil export legislation which was passed in the other body as S. 395, included as section 206 an amendment to the Oil Pollution Act of 1990 to provide for a vessel in the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca to assist in towing and oilspill response efforts. H.R. 70 as reported by the Resources Committee does not contain a similar provision.

I had been prepared to offer an amendment to H.R. 70 concerning this issue, but as you know our rules are different from those of the other body and I have been advised by the Parliamentarian that such an amendment would be ruled out of order as non-germane. Accordingly, I am hoping that this is a matter that can, with the assistance of the chairman, be addressed in conference.

□ 1545

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I understand and appreciate the interest of the gentleman from Washington in this issue of importance to his district.

May I say the gentleman has talked to me about this. He has done an excellent job in the past and into the future representing his district concerning this issue.

We have discussed it. We will be discussing it in conference. The gentleman will be working very closely with me in the conference, and I hope we will be able to address his concerns as well as the State of Washington, especially with the State of Alaska working in conjunction.

Mr. DICKS. Mr. Chairman, I thank the chairman for his assistance.

The CHAIRMAN. Are there additional amendments to section 1?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

Page 1, line 6, strike "paragraphs (2) through (6)" and insert "paragraphs (2) through (7)".

Page 2, line 19, strike "(other than a volume limitation)".

Page 4, line 11, strike the closing quotation marks and period.

Page 4, after line 11, insert the following: "(7) The total average daily volume of exports allowed under this subsection in any calendar year shall not exceed the amount

by which the total average daily volume of oil delivered through the Trans-Alaska Pipeline System during the preceding calendar year exceeded 1,350,000 barrels per calendar day."

Mr. MILLER of California (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 California?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 40 minutes, with the time to be equally divided and controlled. This was the suggestion of the gentleman from California, and I think it is an excellent suggestion.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

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

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offered this amendment in committee along with our colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], and the gentleman from Washington [Mr. METCALF]. It represents what I believe is a reasonable compromise which will allow Members to support exports as long as the needs of the United States are taken care of first. That is the intent and the purpose and the result of this amendment.

This amendment does two things: First, it deletes the bill's unjustified restriction that the President cannot determine that a volume limitation on exports is in the national interest. Obviously, at some point, with some unforeseen circumstances, the President may conclude that and he ought to be given the powers to so decide. Second, the amendment provides that exports of Alaska oil are authorized but only in amounts produced in excess of what is currently refined and consumed on the west coast.

This amendment speaks to the current consumption figure of 1.35 million barrels per day which is the amount of Alaska oil used in Washington, Oregon, California, Hawaii, Nevada, and Arizona. Under current production levels in Alaska, my amendment would allow up to 250,000 barrels a day to be exported. This is significantly in excess of the 140,000 barrels projected by the Department of Energy and the State of Alaska as likely for export, as they have presented testimony when we

were considering this bill in the committee.

What this amendment does in effect is to allow the oil which is currently produced but not used on the west coast to be exported. This is the oil that is sent to the gulf or to other designations at significant extra expense. It is the oil that makes up the most economic sense for us to export to foreign nations.

What this amendment does not do, unlike the bill, is to allow British Petroleum to manipulate the price and supply of Alaska oil for the west coast usage. This is an amendment which protects U.S. jobs and consumers. It allows exports if and when they do not come at the expense of our citizens. It neither denies profits to British Petroleum nor revenues to the State of Alaska. It is a reasonable compromise, and I urge its adoption.

This amendment reflects the changes that have taken place since the study that was conducted to justify this legislation and that is the Alaska oil is now essentially at parity or finds itself more often at parity with the world price of oil than when it does not. And the so-called glut on the west coast that was available is essentially evaporated and the margins that Members keep referring to with respect to west coast refiners has essentially evaporated because of the change in the demand for energy products on the west coast.

Those margins, the evaporation of those margins, the narrowing of those margins are the same whether it is an independent refiner or whether it is one of the larger refiners. It is just simply a change in the world energy picture.

Early on in the development of north coast, North Slope oil coming out of Alaska, a huge amount, because of the requirement that it could not be exported, a huge amount was sent to eastern markets through the Panama Canal. That oil essentially now, much of it, has been backed out of that market because it is really not competitive and because of the increased demands on the west coast as what was previously considered a glut has disappeared.

So we now find ourselves in a situation where this very substantial amount of the oil that is currently produced in Alaska is, in fact, needed. It is needed on the west coast because it cannot be readily substituted by oil from the, by the central valley, although that can make up part of it.

So what we would do is, without any impact on price, we would simply make sure that those West Coast users are held harmless as to the supply. That supply would be made available to them not at preferential prices; it would be made available to them at the world price. If they were not prepared

to pay, if there becomes in fact a premium price on Alaska oil, in Singapore, in Japan, in Malaysia, in Korea, and they can sell that oil to that market and West Coast users do not want to bid that price for it, they will simply lose out.

So the marketplace will continue to work in terms of the economics of the price of oil. In fact, as we know, when we started this venture many years ago, it was believed that there was a domestic price of oil and a world price of oil. As we know today, there is only one price of oil essentially, and that is the world price of oil.

That does not matter whether you are Sadam Hussein, whether you are Iran, whether you are the Russians or you are the domestic developer within the United States, that is the price of oil. This honors that, the economics of the energy business with respect to that, but it does make sure that those people who have come to rely on this oil for domestic uses are in fact held harmless from this. As a market, if in fact the market continues to grow, if in fact the pipeline was ever put back to its full utilization in excess of about 2, 2.5 millions barrels of oil a day, all of that would be eligible for export.

So I think this in fact provides the best of both worlds to make sure that American economic interests and the customers are taken care of first and then certainly free to export whatever is available over and above that.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, the amendment of the gentleman from California is interesting. He talks about a world price for oil. I just have to say that, representing the oil patch, I would have to ask him what he means by world price for oil.

Is it the price that the Federal Government charges for Elk Hills oil which has to cover the cost of sending it by pipeline to the strategic petroleum reserve? Is it the price of west Texas crude that gets to move through pipelines and through shipping that does not cross the Panama Canal? Frankly, you have to take a look at the price of oil and include the cost of delivering that oil as well.

The issue in front of us is whether or not we should lock into a fixed amount on a given year and say that you can only export the amount of oil above that fixed amount.

First of all, let us understand that because of the policy that has been in place for 20 years, the Alaska fields are declining fields. In addition to that, they have yielded their production as many fields have around the world and what we need to do is make sure we open up more fields.

The idea was that if we could bring the true economic value to Alaska for

that oil, they might in fact develop more fields. But what we have here is an amendment that locks in a fixed amount that comes to the lower 48.

When we look at the Department of Energy's study, it shows that 1994 is about 1,600,000 production; 1995, beginning to drop. And by the year 2000, in either the pessimistic or the optimistic case, you have clearly reached the oil amount that is in the amendment of the gentleman from California.

I think we need to do a little truth in packaging here.

What this amendment does is guarantee oil continues to come to California. The whole purpose of this bill is to allow oil to find its economic home. If you put on a volume limit, you automatically affect the price. You cannot deliver in essence an amount of oil that would have violated this figure to a Far Eastern area or any other place because of the restriction placed by this amendment. What we are trying to do is to remove Government restrictions.

I think that what we need to take a very long look at is what would happen if refineries on the West Coast would have to pay closer to the world price for oil.

In the study it says: The appropriate conclusion is that the gross marginal differential between PAD 5, which is Alaska oil, and the Nation as a whole would amply support an increase in crude oil prices of \$1.50 to \$2 per barrel without necessarily causing an increase in consumer prices.

If you can increase the price for crude oil and you do not increase the price of gasoline to consumers, what happens? In the middle between the crude oil and the consumer are the refineries. Frankly, the refineries, located in the gentleman's district, have enjoyed an enormous benefit over the years. The July 21 edition of the Wall Street Journal says: Tosco Corporation, located in the gentleman's district, net income surged 43 percent in the quarter. The petroleum products company attributed the net increase to improved refining margins.

It is the difference between the price of crude oil and the price of gasoline.

These people have been living off of an artificial market for years. The amendment of the gentleman from California wants to continue that artificial market. The gentleman wants a fixed amount that has to come. You try to negotiate a world price for oil when you know by Government edict there is a fixed amount that has to come. You break the economics. You do not have a world price for oil. You have somebody over a barrel, and it is the Alaska oil producer and the American consumer.

It is about time we ended the sweetheart deal for the refiners. That is exactly what the gentleman's amendment tries to prevent. It tries to perpetuate a sweetheart deal. This legislation changes it.

This amendment should be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in opposition to the Miller amendment.

I think we really need to step back and ask why are we here today. Why are we on the verge of passing H.R. 70? We are here because of a policy of the past which placed limitations on the utilization of oil produced in Alaska. We have a policy in place which is forcing the crude which is being produced in Alaska to be refined on the West Coast. This has obviously had the adverse impacts in parts of California and other parts of the country of diminishing the amount of oil being produced there and also of having adverse economic impacts.

What this amendment is doing is pretty much just the same. It is saying that we will allow for some exportation of oil, but we are still going to continue Government policies which arbitrarily state that you cannot export any oil except for that that is over the 1.35 million barrels per day.

□ 1600

Mr. Chairman, We do not know what the future will hold. However, there is one constant. If we have the faith in the market system, the marketplace will dictate where oil was produced, whether it be in Alaska, in California, or in many other parts of the world, where it will be utilized. The bottom line is that if the refiners on the West Coast that are currently using Alaskan crude oil, if they are willing to pay the market price for that crude oil, that oil will flow to those refiners, as it is today. They might have to pay just a little more of that to reflect what the real market price for that crude oil will be.

If we place this amendment in place, Mr. Chairman, we are once again putting up an arbitrary restriction or impediment to how the marketplace should work. Clearly, that is not good policy. We also have provisions within the legislation which I think address some of the concerns of the gentleman from California [Mr. MILLER]. That is, if we do find that any oil producer or exporter of oil is engaging in any type of activity which could have an adverse impact on consumers or refiners, the Secretary of Commerce is then authorized to take actions and impose sanctions against that export. Therefore, I think we have the safeguards in place which will ensure that consumers and refiners are not adversely impacted.

Mr. Chairman, I think this country will be far better served if we embrace a policy which is predicted on the marketplace providing the best determination to where oil produced in Alaska should go.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may

consume to the gentleman from Minnesota [Mr. VENTO].

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

Mr. Chairman, as the gentleman from California [Mr. MILLER] was explaining his amendment, he pointed out that this legislation removes the ability of the President to put in place any type of limitations in terms of the volume limits with regard to the exportation of oil. He takes that away.

Of course, what the gentleman from California [Mr. MILLER] does beyond that is, he recognizes and gives the Chief Executive the right to put in place some limitations, and, of course, provides, the second part of his amendment, provides for an assurance of 1.3 million barrels a day that is first sent to the lower 48, and then the amounts over that amount could be exported. So he is trying to recognize one of the shortcomings, I guess, in terms of the North Slope oil, and some of the effect on the market, but at the same time trying to meet what is obviously a significant domestic need on the Pacific coast.

Obviously, Mr. Chairman, the workability of the regulations and the law that exist in this instance are not perfect, nor is the global oil market perfect. We are hardly dealing with the handiwork of Adam Smith here in terms of the economy.

I noticed that the opponents seem to marshal often very obtuse arguments to defeat or to reinforce what is in the bill, sort of extreme situations, but I do not think we have to really do much guessing in order to understand that the way that the volatility of this market in the last 30 years has gone has caused great distress and significant impacts on our market. Look at the terms "oil shock," the "energy crisis" in the 1970's.

The last two decades are replete with problems that have grown out of the shortfalls in terms of the marketplace. I just think that we should, obviously, retain in the President's control the ability to have flexibility with regard to the export from these lands.

Mr. Chairman, the tradeoff here that occurred with these State and Native American lands and other Federal lands where oil was flowing from in Alaska was that we would sacrifice these resources in an effort to try and provide security in terms of energy in the lower 48. Today we are even more vulnerable, but this has provided some stability, some constancy with regard to oil and energy policy on the West Coast and throughout the country.

Now, of course, in the name of a more perfect market, in the name of trying to develop this, the excuse here is that we are going to actually unleash and develop more and more of our domestic oil because this price is being held down. Admittedly, it is lower in these instances than it would otherwise be if

it were completely open and we were bidding against many other countries in the Pacific Rim. I do not think there is any question about it; but I do not necessarily think that that has happened, and constantly not, despite the Energy Department study, translated into higher costs in terms of the marketplace. After all, we have seen oil go from \$10 a barrel all the way up to somewhere in the high thirties at various times in the market. That is not exactly because of this particular problem.

Now we are talking about here much smaller, finite, or much smaller amounts of change that have occurred between this particular type of sour crude oil that exists in this instance that is being discussed. I think the issue here, obviously, is being pushed by those who want a higher price, who are not concerned today, and I would say to my friends, and many of them served here during periods and have put up with this role in terms of energy shortfall, that clearly this is something that is being shunted aside.

I think the Miller amendment brings us back and gives us the opportunity to export but at the same time meet the domestic needs, to have both. We have, in essence, allowed for the opening of these areas, to provide the security. I think we still need that. I think we can still do that. I think there is a role.

Some would take the Federal Government out of any type of policy role here. I am not a new Federalist, I am not a new Confederate, I am an unreconstructed Federalist and feel that the Federal Government is the only entity that can basically deal with this.

We go through all sorts of arguments here in terms of U.S. bottoms and other issues which I think will provide for circumvention, I might say, of many of the policies and goals that are stated here in the legislation. I would hope that the Miller amendment could be and should be accepted by the proponents of this if they mean what they have said in regard to this issue. Obviously, there is opposition to it.

I thank the gentleman from California for yielding time to me.

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

Mr. YOUNG of Alaska. Mr. Chairman, I believe the gentleman from California [Mr. MILLER] has the right to close on his amendment.

The CHAIRMAN. The chairman of the committee has the right to close.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time, I think the amendment is necessary, and I yield back the balance of my time.

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

Mr. Chairman, I rise in opposition to the amendment. This amendment was

offered in the committee. It was defeated 24 to 11. I believe it is a deal killer. It was designed to block export volumes by giving the President limited authority to place a volume cap on exports. The export ban requires 1.6 million barrels of oil produced today be shipped to the West Coast. This again is a cap, it is a requirement, it will affect the California production area, it will not give us the jobs. This is opposed, frankly, by the administration. As the gentleman from Louisiana says, I agree with this administration, but the previous administration also said the same thing: This again interferes with the marketplace.

It is my belief that it will not do everything we want it to do if we adopt the amendment, so I strongly oppose the amendment, and urge "no" on the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

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

#### RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] are postponed.

Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. METCALF TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. METCALF. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. METCALF to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 4, line 11, strike the closing quotation marks and period.

Page 4, after line 11, insert the following:

"(7) Any royalty accruing to the United States with respect to any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) may be paid in oil. The Secretary of the Interior shall offer any such oil accruing to the United States for sale to independent refiners located in Petroleum Allocation for Defense District V for processing or use in refineries within such District and not for resale. Such offers shall be made from time to time for such volumes and for such periods as the Secretary deems appropriate, and sales shall be conducted by equitable allocation at fair market value among eligible independent refiners. The term 'independent refiner' means a petroleum refiner which, in the preceding calendar year, obtained, directly or indirectly, more than 70 percent of its refinery

input of crude oil from producers which do not control, are not controlled by, and are not under common control with, such refiner."

Mr. METCALF (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

Mr. METCALF. Mr. Chairman, I offer for my colleagues' consideration my amendment to the Alaskan oil export bill.

Many of my constituents are concerned about potential increases in gasoline prices if oil exports are expanded. Refiners in Washington are particularly dependent on Alaska as a source of oil.

My amendment would ensure that Northwest refineries have access to "royalty" oil from Federal lands in Alaska. If oil exports increase the price of gasoline, the increased demand could stimulate greater production—and Northwest refineries must have access to the oil.

Current procedures allow Northwest refineries to acquire royalty oil. My amendment would simply codify these procedures and give them the force of law—thus guaranteeing access to future oil production.

I would also like to thank the chairman of the Resources Committee for his consideration and support on this important issue.

The CHAIRMAN. Does any Member seek to be recognized in opposition to the amendment?

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment would provide for the sale of oil. The volume of oil currently produced on Federal lands in Alaska is very minimal. This amendment in fact would really look to the future if something were to occur on Federal lands in Alaska. I want to stress again, this oil that we are talking about is on State lands. It is our oil.

Very frankly, I do not see any harm in the amendment. I have one question to ask the author of the amendment, because after reading the amendment the only thing is, when does this kick in? When does that royalty oil kick in, if I may ask the gentleman from Washington?

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

Mr. YOUNG of Alaska. I yield to the gentleman from Washington.

Mr. METCALF. Mr. Chairman, I would tell the gentleman, it would be as the new oil would be available.

Mr. YOUNG of Alaska. Mr. Chairman, I would ask, is the price of gasoline the factor? What kicks it in as far

as getting the royalty oil? Does anybody know, because it is not clear in the amendment.

Mr. METCALF. Mr. Chairman, I am not absolutely sure.

Mr. YOUNG of Alaska. Mr. Chairman, I am not going to oppose the amendment at this time. I do compliment the gentleman from Washington in his efforts, because he has brought this to our attention, and more so than California, because they do not have oil fields in other areas, of the need for a constant supply of oil, I can just about guarantee everybody in this room, because it is not just BP that has ownership of this oil. ARCO ships all of its oil to the west coast. That is where it has occurred. The Exxon areas, part is shipped to the west coast. The only people really right now who will have any oil available will be BP.

Mr. Chairman, I am inclined to accept the gentleman's amendment at this time, and we will be discussing the trigger date and conference, and seeing if there is a possibility we can further define that.

Mr. METCALF. I thank the gentleman from Alaska.

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

Mr. Chairman, I would ask the gentleman from Washington or anyone who understands this amendment, that I have some questions on the amendments. On line 5, it says, "The Secretary of the Interior shall offer any such oil accruing to the United States." From time to time, the United States receives oil in lieu of royalties.

What this amendment says is that when the United States get oil in that fashion, royalty oil is the common term, that the Secretary of the Interior "shall offer" any such oil accruing to the United States, and the Secretary of the Interior not only shall offer such oil, they must make it available to independent refiners located in pad 5. Such offer shall be made from time to time for such volumes and such periods as the Secretary deems appropriate, so the Secretary can control the volume and the period, and sales shall be conducted by equitable allocation at fair market value among eligible, independent refiners.

As I read this amendment, Mr. Chairman, it is yet again an attempt to carve out a market for a particular group of folk. These are the independent refiners. They are the ones who for years have received the blessing of oil directed to the lower 48. Now we have a group of refiners who call themselves independent refiners. They want to take such royalty oil as comes to the United States, "shall offer any such oil," a mandatory offering to a particular group, the independent refiners.

Mr. Chairman, my belief is that this is one of the fallback positions offered

by the refiners. If they cannot stop the bill, then they want a fixed amount of oil available to them in the marketplace, the gentleman from California, Mr. MILLER's amendment. If they cannot get the fixed amount of oil, 1,350,000 barrels a day, then they want the royalty oil guaranteed only to them, and the Secretary of the Interior shall offer such sales only to the independent refiners.

Here we go, with the fallback for a particular group of people to try to get a continuation of the current structure, which is, these people benefit by government policy.

H.R. 70's underlying premise is that no one should benefit by government policy. The marketplace should determine the price. Our opposition to the Miller amendment was based upon the marketplace determining the price, and the marketplace should determine volume.

The amendment of the gentleman from Washington [Mr. METCALF] appears to this gentleman from California to be a smaller, narrow attempt, but nevertheless, an attempt to have government dictate who gets what in the marketplace. On that basis, Mr. Chairman, I would oppose the amendment offered by the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. METCALF. Mr. Chairman, what this does is codification of what is currently the government policy, and it would apply to future increases.

Mr. Chairman, this bill says it is going to increase oil production. If it does, this puts into the law the policy that we have relative to that increased production.

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

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

□ 1615

Mr. THOMAS. The problem I have with the gentlemen's amendment, is that it codifies it, it puts it into law. But what it puts into law, is a special benefit for a particular group. Independent refiners are the only ones who get the opportunity to bid on the royalty oil. No one else is allowed to bid. This is one more attempt to create a special relationship under the law.

I thank the gentleman for yielding.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Washington [Mr. METCALF] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. GEJDENSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. GEJDENSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 2, line 21, add the following after the period: "In no event may oil be exported under this paragraph before the end of the period within which the President must make his national interest determination under this paragraph."

Mr. GEJDENSON. Mr. Chairman, with the new inclination of the gentleman from Alaska [Mr. YOUNG] toward accepting amendments, I would hope he would read and accept this one. In the bill as it is drafted, we would have the President making a determination as to the impact of the export of this oil after the fact.

It says first we start shipping this oil and signing contracts with people in the Pacific rim. Then the President is going to take a look at it and find out if there is a problem. If there is a problem, we will already have contracts for sending this oil out there.

A number of gentlemen on the floor have indicated the administration is with them. So they are not facing a hostile administration. It seems to me unless again this is some window dressing in their language and they are not concerned with either the environment or our national security, that at minimum they would be ready to accept this amendment which simply says that, yes, as they wrote it, the President ought to do an assessment on what this change in the law would do to the United States but he ought to do that assessment before contracts are signed with people to ship this oil elsewhere. I would hope that the gentleman from Alaska [Mr. YOUNG] could support this very limited amendment to try to improve what I think is a bad bill.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, hope of all hopes, and wishes of all wishes, I do oppose the amendment.

The administration adamantly opposes the amendment. The administration has said they support the committee substitute. We have worked with them. It gives the President the flexibility he wants. Very frankly why should Congress mandate a bureaucratic delay? If the President, and that is what were saying, finds that this is an appropriate thing, why hold his hand for 5 months when he does not want it? That is like asking a girlfriend out on a date when she does not want to hold your hand. You are not going to get anywhere.

Let's face up to it. I suggest respectfully the amendment is very frankly not supported by anyone I know other

than the gentleman from Connecticut. I urge the defeat of the amendment.

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

Mr. Chairman, I do want to commend the gentleman from Connecticut on the effort that he is making with this amendment because it sounds extremely reasonable, that until the President makes his determination, we should not export any of the oil. The problem of course is, perhaps the gentleman from Connecticut has not read the amendment in the nature of a substitute offered by the gentleman from Alaska, the chairman. The gentleman from Alaska and this gentleman from California indicated that the administration supports the substitute as written. The substitute as written says that the finding that the President shall make is a negative finding; not a positive one that they should export oil but, in fact, a negative one that they should not.

The gentleman from Connecticut is now saying, notwithstanding the fact that the administration supports the legislation and that the Presidential determination is a negative one, no oil should be exported until the President makes his determination, which is, under the substitute, a finding that they should not export any oil.

I think when we come full circle, all this is, is, an attempt once again to offer an amendment for purposes that the gentleman from Connecticut well knows are not in the best interests of moving this bill forward and therefore not in the best interests of labor, energy production, or consumers in this country. I would ask that Members oppose the amendment of the gentleman from Connecticut.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was rejected.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BUNNING of Kentucky) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair de-

clares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 23 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 5 o'clock and 2 minutes p.m.

#### EXPORTS OF ALASKAN NORTH SLOPE OIL

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 70.

□ 1704

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 70) to permit exports of certain domestically produce crude oil, and for other purposes, with Mr. LINDER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] was pending.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

Pursuant to the rule, proceedings will now resume on those amendments to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON], and the amendment offered by the gentleman from California [Mr. MILLER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series, including the underlying amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] if ordered without intervening business or debate.

#### AMENDMENT OFFERED BY MR. GEJDENSON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 117, noes 278, answered "present" 1, not voting 38, as follows:

[Roll No. 555]

AYES—117

Ackerman	Green	Oberstar
Andrews	Harman	Oliver
Baldacci	Hastings (FL)	Pallone
Bellenson	Hefner	Payne (NJ)
Bentsen	Hinchey	Pelosi
Bishop	Holden	Peterson (MN)
Bonior	Hoyer	Rahall
Borski	Jackson-Lee	Reed
Brown (FL)	Johnson (CT)	Rivers
Brown (OH)	Johnson (SD)	Rose
Bryant (TX)	Johnson, E. B.	Roybal-Allard
Cardin	Kanjorski	Rush
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Schroeder
Clyburn	Kildee	Schumer
Condit	Klink	Scott
Conyers	LaFalce	Serrano
Cubin	Lantos	Slaughter
DeFazio	Lewis (GA)	Smith (MI)
DeLauro	Lofgren	Smith (NJ)
Dellums	Lowey	Stark
Deutsch	Luther	Stokes
Dicks	Maloney	Stupak
Dingell	Manton	Taylor (MS)
Doggett	Markey	Thompson
Doyle	Mascara	Thurman
Durbin	McDermott	Trafiacant
Edwards	McHale	Tucker
Engel	McNulty	Vento
Eshoo	Meek	Volkmer
Evans	Mfume	Ward
Fields (LA)	Miller (CA)	Waters
Filner	Mineta	Watt (NC)
Flake	Minge	Wilson
Foglietta	Mink	Wise
Frost	Mollohan	Woolsey
Furse	Moran	Wyden
Gejdenson	Murtha	Wynn
Gephardt	Nadler	Yates

NOES—278

Allard	Clinger	Franks (CT)
Archer	Coble	Franks (NJ)
Army	Coburn	Frelinghuysen
Bachus	Coleman	Funderburk
Baker (CA)	Collins (GA)	Galleghy
Ballenger	Combust	Ganske
Barr	Cooley	Gekas
Barrett (NE)	Costello	Geren
Barrett (WI)	Cox	Gibbons
Bartlett	Coyne	Gilchrist
Barton	Cramer	Gilman
Bass	Crane	Gonzalez
Bereuter	Crapo	Goodlatte
Berman	Creameans	Goodling
Bevill	Cunningham	Gordon
Bilirakis	Danner	Goss
Bliley	Davis	Graham
Blute	de la Garza	Greenwood
Boehliert	Deal	Gunderson
Boehner	DeLay	Gutierrez
Bonilla	Diaz-Balart	Gutknecht
Boucher	Dickey	Hall (OH)
Brewster	Dooley	Hall (TX)
Browder	Doolittle	Hall (TX)
Brownback	Dornan	Hamilton
Bryant (TN)	Dreier	Hancock
Bunn	Duncan	Hastert
Bunning	Dunn	Hastings (WA)
Burr	Ehlers	Hayes
Burton	Ehrlich	Hayworth
Buyer	Emerson	Hefley
Callahan	Ensign	Heineman
Calvert	Everett	Hergert
Camp	Farr	Hilleary
Canady	Fattah	Hobson
Castle	Fawell	Hoekstra
Chabot	Fazio	Hoke
Chambliss	Flanagan	Horn
Chapman	Forbes	Houghton
Chenoweth	Fowler	Hunter
Christensen	Fox	Hutchinson
Chrysler	Frank (MA)	Hyde

Inglis	Molinari	Shadegg
Istook	Montgomery	Shaw
Johnson, Sam	Moorhead	Shays
Johnston	Morella	Shuster
Jones	Myers	Sisisky
Kasich	Myrick	Skaggs
Kelly	Neal	Skeen
Kennedy (MA)	Neumann	Skelton
Kim	Ney	Smith (TX)
King	Norwood	Smith (WA)
Kingston	Obey	Solomon
Kleczka	Ortiz	Souder
Klug	Orton	Spence
Knollenberg	Oxley	Spratt
Kolbe	Packard	Stearns
LaHood	Parker	Stenholm
Largent	Pastor	Stockman
Latham	Paxon	Studds
LaTourette	Payne (VA)	Stump
Laughlin	Peterson (FL)	Talent
Lazio	Petri	Tanner
Leach	Pickett	Tate
Levin	Pombo	Tauzin
Lewis (CA)	Pomeroy	Taylor (NC)
Lewis (KY)	Porter	Tejeda
Lightfoot	Portman	Thomas
Lincoln	Poshard	Thornberry
Linder	Pryce	Thornton
Lipinski	Quillen	Tiahrt
Livingston	Quinn	Torkildsen
LoBiondo	Radanovich	Upton
Longley	Regula	Visclosky
Lucas	Richardson	Vucanovich
Manzullo	Riggs	Walker
Martinez	Roberts	Walsh
Martini	Roemer	Wamp
Matsui	Rogers	Watts (OK)
McCarthy	Rohrabacher	Waxman
McCollum	Ros-Lehtinen	Weldon (FL)
McCrary	Roth	Weldon (PA)
McDade	Roukema	Weller
McHugh	Royce	White
McInnis	Sabo	Whitfield
McIntosh	Salmon	Wicker
McKeon	Sanford	Williams
Meehan	Sawyer	Wolf
Menendez	Saxton	Young (AK)
Metcalf	Scarborough	Young (FL)
Meyers	Schaefer	Zeliff
Mica	Schiff	Zimmer
Miller (FL)	Sensenbrenner	

ANSWERED "PRESENT"—1

Abercrombie

NOT VOTING—38

Baessler	Ewing	Nethercutt
Baker (LA)	Fields (TX)	Nussle
Barcia	Foley	Owens
Bateman	Ford	Ramstad
Becerra	Gillmor	Rangel
Bilbray	Hansen	Reynolds
Bono	Hilliard	Seastrand
Brown (CA)	Hostettler	Torres
Clement	Jacobs	Torricelli
Collins (IL)	Jefferson	Towns
Collins (MI)	Kaptur	Velazquez
Dixon	McKinney	Waldholtz
English	Moakley	

□ 1726

The Clerk announced the following pairs:

On this vote:

Ms. McKinney for, with Mr. Bilbray against.

Mr. Rangel for, with Mr. Bono against.

Ms. Kaptur for, with Mr. Hostettler against.

Mrs. Collins of Illinois for, with Mrs. Waldholtz against.

Messrs. GRAHAM, SAWYER, QUILLEN, and COYNE changed their vote from "aye" to "no."

Messrs. PALLONE, NADLER, BENTSEN, SMITH of New Jersey, STOKES, WARD, GENE GREEN of Texas, and OBERSTAR, and Ms. JACKSON-LEE changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Chairman, on roll-call No. 555, I was tied up in rush hour traffic and missed the vote.

Had I been present, I would have voted "nay."

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the chair has postponed proceedings.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 95, noes 301, not voting 38, as follows:

[Roll No. 556]

AYES—95

Abercrombie	Hinchey	Obey
Baldacci	Holden	Oliver
Barrett (WI)	Johnson (CT)	Pallone
Bellenson	Johnson (SD)	Payne (NJ)
Bevill	Johnston	Pelosi
Bishop	Kanjorski	Rahall
Bonior	Kennedy (RI)	Reed
Borski	Kennelly	Rivers
Clay	Kildee	Roybal-Allard
Clyburn	Kleczka	Rush
Conyers	Klink	Sabo
DeFazio	Lantos	Sanders
DeLauro	Lewis (GA)	Schroeder
Dellums	Lofgren	Schumer
Deutsch	Lowey	Scott
Dingell	Luther	Serrano
Doyle	Maloney	Shays
Durbin	Markey	Slaughter
Engel	Mascara	Stark
Eshoo	McCarthy	Stokes
Evans	McDermott	Stupak
Fattah	McHale	Thompson
Filner	Meek	Tucker
Flake	Metcalf	Vento
Foglietta	Mfume	Ward
Furse	Miller (CA)	Waters
Gejdenson	Mineta	Williams
Gephardt	Mink	Williams
Gutierrez	Mollohan	Wyden
Harman	Murtha	Wynn
Hastings (FL)	Nadler	Yates
Herger	Oberstar	

NOES—301

Ackerman	Bachus	Bartlett
Allard	Baker (CA)	Barton
Andrews	Ballenger	Bass
Archer	Barr	Bentzen
Army	Barrett (NE)	Bereuter

Berman  
Billarakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Boucher  
Brewster  
Browder  
Brown (FL)  
Brownback  
Bryant (TN)  
Bryant (TX)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Cardin  
Castle  
Chabot  
Chambliss  
Chapman  
Chenoweth  
Christensen  
Chrysler  
Clayton  
Clinger  
Coble  
Coburn  
Coleman  
Collins (GA)  
Combest  
Condit  
Cooley  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crapo  
Creameans  
Cubin  
Cunningham  
Danner  
Davis  
de la Garza  
Deal  
DeLay  
Diaz-Balart  
Dickey  
Dicks  
Dixon  
Doggett  
Dooley  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Ensign  
Everett  
Farr  
Fawell  
Fazio  
Fields (LA)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Frank (MA)  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Frost  
Funderburk  
Gallegly  
Ganske  
Gekas  
Geren  
Gibbons  
Gilchrest  
Gilman  
Gonzalez  
Goodlatte

Goodling  
Goss  
Graham  
Green  
Greenwood  
Gunderson  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hancock  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hefner  
Heineman  
Hilleary  
Hobson  
Hoekstra  
Hoke  
Horn  
Houghton  
Hoyer  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson-Lee  
Johnson, E.B.  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kennedy (MA)  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
LaFalce  
LaHood  
Largent  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Lipinski  
Livingston  
LoBiondo  
Longley  
Lucas  
Manton  
Manzullo  
Martinez  
Martini  
Matsui  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh  
McKeon  
McNulty  
Meehan  
Menendez  
Meyers  
Mica  
Miller (FL)  
Minge  
Molinar  
Montgomery  
Moorhead  
Moran  
Morella  
Myers  
Myrick  
Neal  
Neumann  
Ney  
Norwood  
Ortiz  
Orton  
Oxley  
Packard

Parker  
Pastor  
Paxon  
Payne (VA)  
Peterson (FL)  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Pryce  
Quillen  
Quinn  
Radanovich  
Regula  
Richardson  
Riggs  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rose  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaefer  
Schiff  
Sensenbrenner  
Shadegg  
Shaw  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Studds  
Stump  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Tejeda  
Thomas  
Thornberry  
Thornton  
Thurman  
Tiahrt  
Torkildsen  
Traficant  
Upton  
Visclosky  
Volkmer  
Vucanovich  
Walker  
Walsh  
Wamp  
Watt (NC)  
Watts (OK)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Wilson  
Wise  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

## NOT VOTING—38

Baesler  
Baker (LA)  
Barcia  
Bateman  
Becerra  
Bilbray  
Bono  
Brown (CA)  
Brown (OH)  
Clement  
Collins (IL)  
Collins (MI)  
English  
Ewing  
Fields (TX)  
Ford  
Gillmor  
Gordon  
Hansen  
Hilliard  
Hostettler  
Jacobs  
Jefferson  
Kaptur  
McKinney  
Moakley  
Nethercutt  
Nussle  
Owens  
Ramstad  
Rangel  
Reynolds  
Seastrand  
Torres  
Torricelli  
Towns  
Velazquez  
Waldholtz

□ 1735

The Clerk announced the following pairs:

On this vote:

Ms. McKinney for, with Mr. Bilbray against.

Mrs. Collins of Illinois for, with Mr. Bono against.

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

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG], as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

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

Mr. Chairman, I rise in support of the substitute recommended by the Committee on Resources.

Mr. Chairman, I rise in support of the amendment in the nature of a substitute recommended by the Resources Committee. The legislation before us today, H.R. 70, will permit the export of Alaskan North Slope oil if carried in U.S. flag vessels. Under the terms of the bill, the President retains the authority to retract these oil exports in an emergency and would only authorize these exports with an appropriate environmental review and with a determination that the exports would not reduce the amount of oil available to the United States.

In addition, the bill preserves the ability of countries such as Israel, which have a bilateral supply agreement with the United States, to acquire oil supplies without being subject to United States-flag transportation requirements.

Enactment of this legislation will benefit our merchant marine at the same time that it will decrease our dependence on foreign oil. A 1994 report issued by the Department of Energy concluded that lifting the ban on the export of Alaskan North Slope oil would add up to \$180 million in tax revenue to the U.S. Treasury and would create up to 25,000 jobs by the turn of the century, while preserving 3,300 maritime jobs.

In response to concerns about the bill voiced by the Commission of the European

Communities concerning this legislation, I have sought and received assurances from the Office of the U.S. Trade Representative that the provisions of H.R. 70 are consistent with our obligations under the World Trade Organization and the Organization of the Economic Cooperation and Development.

As part of my statement, I request the inclusion of a copy of a letter, dated July 24, I have just received from the U.S. Trade Representative, confirming that the provisions of the bill do not present any legal problem for the United States.

It is my expectation that in a conference with the other body on this legislation, conferees from the International Relations Committee will closely monitor this issue and will ensure that the committee continues to exercise jurisdiction over short supply controls pursuant to the Export Administration Act.

I compliment the distinguished chairman of the Resources Committee, Mr. YOUNG, for his many years of work on this important issue and for his balanced and well-crafted bill before us today. Accordingly, I urge my colleagues to vote "yes" on H.R. 70.

U.S. TRADE REPRESENTATIVE,  
Washington, DC, July 24, 1995.

HON. BENJAMIN A. GILMAN,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN GILMAN: This replies to your letter of June 14, 1995 requesting information on the implications of the cargo preference provisions of H.R. 70 on our obligations under the World Trade Organization and the OECD, and on whether those provisions violate any trade agreements. As we understand it, H.R. 70 would require that exported ANS oil be carried on vessels that are U.S.-flag and U.S.-crew, but not U.S.-built.

As to WTO violations, I can state categorically that H.R. 70, as currently drafted, does not present a legal problem. Further, we do not believe that the legislation will violate our obligations under the OECD's Code of Liberalization of Current Invisible Operations or its companion Common Principles of Shipping Policy.

Moreover, the OECD does not have a mechanism for the settlement of disputes and its associated right of retaliation. While Parties to the OECD are obligated to defend practices that are not consistent with the Codes, the OECD process does not contain a dispute mechanism with possible retaliation rights. (The OECD Shipbuilding Agreement, by contrast, does contain specific dispute settlement mechanisms, although the Agreement does not address flag or crew issues).

I would also like to address the implications of H.R. 70 on the GATS Ministerial Decision of Negotiations on Maritime Transport Services (Maritime Decision), which is the document that guides the current negotiations on maritime in the WTO. The Maritime Decision contains a political commitment by each participant not to adopt restrictive measures that would "improve its negotiating position" during the negotiations (which expire in 1996). This political commitment is generally referred to as a "peace clause." Actions inconsistent with the peace clause, or any other aspect of the Maritime Decision, cannot give rise to a dispute under the WTO, since such decisions are not legally binding obligations.

There are, of course, potential implications for violating the peace clause by adopting new restrictive measures during the course of the negotiations. These implications could include changes in the willingness of other parties to negotiate seriously

to remove maritime restrictions and might lead to certain parties simply abandoning the negotiating table. But the Maritime Decision does not provide the opportunity for retaliation.

Our view is that the U.S. flag preference provisions of H.R. 70 do not measurably increase the level of preference for U.S. flag carriers and actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potentially new market situation resulting from enactment of H.R. 70. Thus, it would be very difficult indeed for foreign parties to make a credible case that the U.S. has "improved its negotiating position" as the result of H.R. 70.

I trust this information is of assistance to you. Please do not hesitate to contact me or the staff should you need more information. Sincerely,

MICHAEL KANTOR.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore, Mr. LAHOOD, having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes, pursuant to House Resolution 197, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. GEJDENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 77, not voting 33, as follows:

[Roll No. 557]

AYES—324

Abercrombie	Bachus	Barton
Ackerman	Baker (CA)	Bass
Allard	Ballenger	Bellenson
Andrews	Barr	Bentsen
Archer	Barrett (NE)	Bereuter
Arney	Bartlett	Berman

Bevill	Gilman	Morella
Bilirakis	Gonzalez	Murtha
Billey	Goodlatte	Myers
Blute	Goodling	Myrick
Boehler	Gordon	Neal
Boehner	Goss	Neumann
Bonilla	Graham	Ney
Bono	Green	Norwood
Borski	Greenwood	Ortiz
Boucher	Gunderson	Orton
Brewster	Gutknecht	Oxley
Browder	Hall (OH)	Packard
Brown (FL)	Hall (TX)	Pallone
Brown (OH)	Hamilton	Parker
Brownback	Hancock	Pastor
Bryant (TN)	Hastert	Paxon
Bryant (TX)	Hastings (FL)	Payne (NJ)
Bunn	Hastings (WA)	Payne (VA)
Bunning	Hayes	Peterson (FL)
Burton	Hayworth	Petri
Buyer	Hefley	Pickett
Callahan	Hefner	Pombo
Calvert	Heineman	Pomeroy
Camp	Hilleary	Portman
Canady	Hobson	Poshard
Cardin	Hoekstra	Pryce
Castle	Hoke	Quillen
Chabot	Horn	Quinn
Chambliss	Houghton	Radanovich
Chapman	Hoyer	Reed
Chenoweth	Hunter	Regula
Christensen	Hutchinson	Richardson
Chrysler	Hyde	Riggs
Clayton	Inglis	Roberts
Clinger	Istook	Roemer
Coble	Jackson-Lee	Rogers
Coburn	Johnson, E. B.	Rohrabacher
Coleman	Johnson, Sam	Ros-Lehtinen
Collins (GA)	Johnston	Rose
Combest	Jones	Roth
Condit	Kasich	Roukema
Cooley	Kennedy (MA)	Royce
Cox	Kennedy (RI)	Salmon
Coyne	Kim	Sanford
Cramer	King	Sawyer
Crane	Kingston	Saxton
Crapo	Klug	Scarborough
Cremeans	Knollenberg	Schaefer
Cubin	Kolbe	Schiff
Cunningham	LaFalce	Schroeder
Danner	LaHood	Schumer
Davis	Largent	Scott
de la Garza	Latham	Sensenbrenner
Deal	LaTourette	Serrano
DeLay	Laughlin	Shadegg
Diaz-Balart	Lazio	Shaw
Dickey	Leach	Shays
Dixon	Levin	Shuster
Doggett	Lewis (CA)	Sisisky
Dooley	Lewis (KY)	Skaggs
Doolittle	Lightfoot	Skeen
Dorman	Lincoln	Skelton
Dreier	Linder	Smith (MI)
Duncan	Lipinski	Smith (NJ)
Edwards	Livingston	Smith (TX)
Ehlers	LoBiondo	Solomon
Ehrlich	Longley	Souder
Emerson	Lowe	Spence
Engel	Lucas	Spratt
English	Luther	Stearns
Ensign	Manton	Stenholm
Everett	Manzullo	Stockman
Farr	Martinez	Stokes
Fawell	Martini	Studds
Fazio	Matsui	Stump
Fields (LA)	McCarthy	Stupak
Flake	McCollum	Talent
Flanagan	McCrery	Tanner
Foglietta	McDade	Tauzin
Foley	McHugh	Taylor (NC)
Forbes	McInnis	Tejeda
Fowler	McIntosh	Thomas
Fox	McKeon	Thornberry
Frank (MA)	McNulty	Thornton
Franks (CT)	Meehan	Thurman
Franks (NJ)	Meek	Tiahrt
Frelinghuysen	Menendez	Torkildsen
Frisa	Meyers	Trafficant
Frost	Mfume	Tucker
Funderburk	Mica	Upton
Gallegly	Miller (FL)	Visclosky
Ganske	Molinari	Vucanovich
Gekas	Mollohan	Waldholtz
Geren	Montgomery	Walker
Gibbons	Moorhead	Walsh
Gilchrest	Moran	Wamp

Ward
Waters
Watt (NC)
Wicks (OK)
Waxman
Weldon (FL)

Weldon (PA)
Weller
Whitfield
Wickert
Wilson
Wise

Wolfe
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—77

Baldacci
Barrett (WI)
Becerra
Bishop
Bonior
Clay
Clyburn
Conyers
Costello
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doyle
Dunn
Durbin
Eshoo
Evans
Fattah
Filner
Furse
Gejdenson
Gephardt
Gutierrez

Harman
Herger
Hinchee
Holden
Jacobs
Johnson (CT)
Johnson (SD)
Kanjorski
Kelly
Kennelly
Kildee
Kleczka
Klink
Lantos
Lewis (GA)
Lofgren
Maloney
Markey
Mascara
McDermott
McHale
Metcalf
Miller (CA)
Mineta
Minge
Mink

Nadler
Oberstar
Obey
Oliver
Pelosi
Peterson (MN)
Rahall
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Slaughter
Smith (WA)
Stark
Tate
Taylor (MS)
Thompson
Vento
Volkmer
White
Williams
Woolsey
Wyden
Yates

NOT VOTING—33

Baessler
Baker (LA)
Barcia
Bateman
Bilbray
Brown (CA)
Burr
Clement
Collins (IL)
Collins (MI)
Ewing

Fields (TX)
Ford
Gillmor
Hansen
Hilliard
Hostettler
Jefferson
Kaptur
McKinney
Moakley
Nethercutt

Nussle
Owens
Porter
Ramstad
Rangel
Reynolds
Seastrand
Torres
Torricelli
Towns
Velazquez

□ 1754

The Clerk announced the following pairs:

On this vote:

Mr. Burr of North Carolina for, with Mrs. Collins of Illinois against.

Mr. Hostettler for, with Ms. Kaptur against.

Mr. Bilbray for, with Ms. McKinney against.

Mrs. MALONEY changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, due to a delay in my flight from Nashville, I was unable to cast a vote on rollcall vote 557. Had I been present I would have voted "yea" on final passage of H.R. 70.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, on July 24, during rollcall No. 556, the Miller of California amendment to the Young of Alaska substitute, and 557, passage of H.R. 70, Alaska oil bill, I was unavoidably delayed. Had I been present, I would have voted "yes" on 556 and "no" on 557.

PERSONAL EXPLANATION

Mr. FIELDS of Texas. Mr. Speaker, I was unavoidably detained during rollcall votes 555-557 on Monday, July 24. Had I been

here, I would have voted "no" on rollcall 555; "no" on rollcall 556; and "yes" on rollcall 557, which was a final passage of H.R. 70.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The CHAIRMAN. Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BE-REUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 21, 1995, amendment No. 10 offered by the gentleman from Michigan [Mr. SMITH] had been disposed of, and title I was open for amendment at any point.

Are there further amendments to title I?

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on any amendment to title I and any amendments thereto be limited to 15 minutes each, and that the time be equally divided, with the exception of any amendment offered by the gentleman from Pennsylvania [Mr. FOGLETTA] and the gentleman from New York [Mr. SOLOMON].

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

Mr. DEFAZIO. Reserving the right to object, Mr. Chairman, there are a number of vital amendments, and particularly the one relating to the Coast Guard, where we have quite a few speakers. If we could get 10 minutes per side for that one, or if the Chairman would want to accept the amendment, of course we would not have to debate it, or if the Chairman would want to cede some of his time, so we could get at least 10 minutes on our side, I would not object.

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

Mr. DEFAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I asked unanimous consent that all debate on any amendments to title I and any amendments thereto be limited to 15 minutes each and that the time be equally divided, with the exception of any amendment offered by the Coast Guard, one for the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from Ohio [Mr. LATOURETTE] and the gentleman from Pennsylvania [Mr. FOGLETTA] and the gentleman from New York [Mr. SOLOMON], and that the Coast Guard amendment be limited to 20 minutes, 10 minutes on each side.

Mr. DEFAZIO. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

AMENDMENTS OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer two amendments, amendments numbered 24 and 25, and I ask unanimous consent that they be considered en bloc.

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

Mr. COLEMAN. Reserving the right to object, Mr. Chairman, the only amendment I have in front of me is one that dealt with \$6 million and an additional \$6 million at one place in the bill. Is the gentleman offering a second amendment at the same time?

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

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

Mr. LATOURETTE. That is correct, Mr. Chairman. Number 25 has restrictive language. The reason for the en bloc request is it should be considered at the end of the bill as restrictive language indicating that the Coast Guard cannot spend the funds within the bill for the purpose of closing or downsizing small boat stations.

Mr. COLEMAN. Mr. Chairman, I object, and I will give the reason why, if I could continue to speak under my reservation of objection.

Mr. Chairman, the problem with the second amendment is that it therefore totally eliminates any funds being made available to close, consolidate, realign, or reduce any Coast Guard small boat station, as I understand it.

Mr. LATOURETTE. That is correct.

□ 1800

Mr. COLEMAN. The first amendment, on the other hand, deals with a reduction from the Secretary's office, I believe, of \$6 million and adding that amount to the Coast Guard; is that right?

Mr. LATOURETTE. That would be correct.

Mr. COLEMAN. Let me just say to the gentleman, I think his second amendment may indeed affect some of the other pending amendments with respect to the Coast Guard closure of stations. For that reason, I would ask the gentleman to not offer them en bloc but, rather, go ahead and offer them separately.

Mr. LATOURETTE. If the gentleman would yield further under his reservation, if the gentleman is referring to the potential DeFazio amendment, I believe, which deals with the same issue, I believe that his amendment will not be forthcoming and he is as a matter of fact the principal cosponsor of this particular block of amendments.

Mr. COLEMAN. Let me again, however, suggest that it is for that reason that I think and because we may need some additional time on debate for that second amendment, that I would

object to their being considered en bloc and would ask the gentleman to offer his first amendment first, we dispose of that, and then to go to the second one, again operating under the time limits to which the House has now agreed, time to be divided equally. I would ask the gentleman to do that.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 24 OFFERED BY MR. LATOURETTE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. LATOURETTE: Page 2, line 8, after the first dollar amount, insert the following: "(reduced by \$6,000,000)".

Page 7, line 20, after the dollar amount, insert the following: "(increased by \$6,000,000)".

The CHAIRMAN. Under the previous order of the House, the gentleman from Ohio [Mr. LATOURETTE] will be recognized for 10 minutes, and a member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. LATOURETTE].

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

This amendment when considered with the amendment that will be offered later in the bill deals with and revisits the question of the multimission small boat unit streamlining plan developed by the U.S. Coast Guard.

Members may recall that during the markup and also floor consideration of the Coast Guard Authorization Act, a similar amendment at that time offered by the gentleman from Ohio [Mr. TRAFICANT] was considered. While there were in fact many sympathetic Members on the floor, the theme of fiscal restraint and where the heck is the money going to come from heavily weighted on some votes.

This amendment, together with the amendment to be offered later in the bill, transfers \$6 million from the Secretary's O&M account to the Coast Guard. The second amendment would then add restrictive language that would protect funds in the bill to be used to close or downsize small boat stations.

This is a bipartisan amendment whose principal sponsors include the gentleman from Oregon [Mr. DEFAZIO], the gentleman from New Jersey [Mr. PALLONE], and the gentleman from Ohio [Mr. BROWN]. I am offering this amendment because it is an amendment that just makes sense.

The U.S. Coast Guard's small boat stations save lives and greatly contribute to safety. They ensure a rapid response to emergency calls. When a small boat station is closed, safety is placed at risk.

Like many people on the floor, I consider myself to be fiscally responsible and conservative and I am as committed as anyone to making our Government smaller, less intrusive and more accountable. I am also strongly in favor of balancing the budget.

While I understand and appreciate that the Coast Guard is taking its streamlining program so seriously, the \$6 million in savings that will be achieved from shutting down these stations is minuscule when you consider the big picture, which is overall savings of \$400 million. What price tag do we put on maritime safety?

We have all been told that the Coast Guard is making some remarkable advances in search and rescue due to new technology. Boats that used to travel 12 knots now travel 27. Helicopters can reach the highest of speeds. However, who wants to explain to the mother whose child is drowning that, "Ma'am, the boat that we sent to rescue your boy was the fastest that we could find but it just had to travel too far to get there"?

Advanced technology will not sell to the grief-stricken. Fast boats and fast helicopters are no consolation.

I have the highest praise for the U.S. Coast Guard. Its service is second to none. In fact, just this past week the Coast Guard valiantly rescued a couple from Lorain, OH whose boat went vertical in a matter of seconds in one of Lake Erie's famous storms. For over 8 hours this couple clung to what was left of their boat in 66-degree water. Finally the storm passed, the sun came out, and a rainbow formed. The gentleman saw the rainbow and said to this fiancée, "That is God's covenant with us." I would argue that the arrival of the Coast Guard was also God's covenant as the Coast Guard so often performs miracles.

This amendment saves the stations and finds the dollars to do it. I ask support for the amendment.

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

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

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 10 minutes.

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

Its Members are listening, they should know that the House has already voted on this issue. It was soundly defeated 2 months ago by a vote of 272-146. The House has already expressed its will on this issue. I do not believe any significant new information has been received over the last 2 months to make a difference.

If Members care about the deficit, the Coast Guard needs the flexibility to close the facilities they no longer need. They have determined that these stations are no longer needed. We should not be requiring the Coast Guard to

keep open facilities they say they do not need and they do not want, especially in a time when we are cutting their budget and asking them to become more efficient.

The amendment would result in a situation quite frankly unfair to Coast Guardsmen and their families. At some of the current units which the Coast Guard wants to close, Coast Guard staff are required to work more than 90 hours. It is kind of like being in the House of Representatives. Ninety hours a week these Coast Guardsmen are working. This jeopardizes the safety of those being rescued, and diminishes the quality of life of the Coast Guardsmen and their families.

In addition, I say to the gentlemen on that side—and I do not know how many on this side care—the amendment would reduce the funding to the Office of the Secretary, which happens to be the Secretary of Transportation.

In closing, Mr. Chairman, we have already made deep cuts in the Office of the Secretary. This bill would provide \$215 million, which is 62 percent below the administration's request. Salaries and expenses are reduced by 12 percent. These are severe reductions and would be made even worse.

The amendment is opposed again by the Coast Guard. It is opposed by the Secretary of Transportation. It is opposed by the chairman of the Coast Guard authorizing subcommittee. We have already voted against this issue overwhelmingly by a vote of 272-146. It will be interesting to see if anyone switches their vote. Mr. Chairman, because there have been no issues that have changed at all.

Mr. Chairman, I strongly oppose the amendment.

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

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today with the gentleman from Ohio [Mr. LATOURETTE] to support his amendment. The amendment transfers \$6 million from the Office of the Secretary of Transportation to the Coast Guard.

It is budget neutral. Those of us that are budget-cutters on this floor, that have been willing to vote to kill the super collider, kill the space station or make budget cuts across the board, understand that this is budget neutral, takes money from one part of the Department of Transportation and puts money in the Coast Guard.

This amendment is about public safety. As we talk about police on the streets, we talk about making sure that the Coast Guard is there to provide the kind of public safety and public service that people that live on lakes and oceans and waterways in this country have come to expect.

The Coast Guard, because it is about public safety, has rescued people that are drowning. It has rescued people in fires. It has rescued children that fall through the ice in places like the Great Lakes.

The Coast Guard does drug interdiction, it enforces environmental and fishing laws, and the Coast Guard enforces and looks out for boat safety. Whether it is speeding through a harbor in Lorain or in Ashtabula, whether it is alcohol problems from boat operators, the Coast Guard is there to enforce those kind of safety regulations.

There is nothing more important than public safety. It is important that we recognize that in the Coast Guard, that this funding, budget neutral, be transferred so that the money is there to keep the Coast Guard operating at full force.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the amendment.

This amendment prevents the closure, consolidation, realignment, or reduction of any Coast Guard search and rescue station in fiscal year 1996. A similar amendment was defeated in the Transportation and Infrastructure Committee and on the House floor during debate of the Coast Guard authorizing bill. All of those who voted to defeat this amendment before should do so again today.

The Coast Guard must have the management flexibility to respond to changing search and rescue needs. The population needs and demographics which led to the initial placement of these Coast Guard stations has changed. Further, the technology regarding search and rescue missions has changed to allow a single station to cover greater areas than before.

Many search and rescue stations were established over 100 years ago when rowboats were used to conduct rescues. Certainly, we must allow the Coast Guard the necessary flexibility to change their operations to reflect both the changes in population needs and technological advances.

The GAO has endorsed the process used by the Coast Guard to evaluate these changes. Further, the authorizing legislation passed by the House requires the Secretary of Transportation to determine that safety will not be diminished before any station can be closed.

While I realize it may seem difficult to those living near and under the close protection of a search and rescue station to watch that station be closed and for that same protection to come from a station of greater distance. But I am confident that all the necessary safety considerations have been taken.

I urge my colleagues to oppose this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentleman for yielding me the time.

Mr. Chairman, this is not the same amendment that we voted on during the authorization. This deals both with small boat closures, small boat lifesaving closures, and the consolidation issues. It is paid for. It is budget neutral, which the Trafficant amendment during the consideration of the authorization was not.

This whole attempt on the part of the Coast Guard to jam through these closures is going to cost lives around the country. It is not well thought out. They told us they took into account the cold water conditions of the Pacific Northwest. All those things were in the parameters.

No, they were not. When I asked for the data, in fact there were strangely some stations that met the parameters for closure but somehow fell off the final list. But mine were still on, as were others around the country. It is some politics going on here, folks. Politics are going to cost lives.

They said, "Well, don't worry. Whenever we downsize or close something, we'll put people at adjacent stations." I have a 200-mile section of coast where every Coast Guard station is being reduced or closed. Oregonians are going to drown.

It happened in 1988 when the Bush administration closed those small boat stations. We had three deaths within a month. People are going to drown. You cannot tread water for 40 minutes in the North Pacific and live to wait for the rescue helicopter. We will pick up corpses with the rescue helicopters, not living citizens.

Vote "yes" on this amendment. Save lives and cut bureaucracy.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member.

Mr. COLEMAN. I thank the gentleman for yielding me the time. I really may not need that much time, and I will be happy to yield it back to the gentleman from Virginia if I do not use it all.

Mr. Chairman, first of all let me say the issue itself that the Coast Guard brought before the committee concerning downsizing and efficiency of operation, I think they made their case in front of the committee, the Subcommittee on Transportation of the Committee on Appropriations, that indeed this was a cost-cutting, appropriate thing to do. That is the reason that my colleague got the 10 minutes in order to be opposed to this particular amendment.

Let me give one of the problems that I have with the amendment and the reason I asked for it to be divided. It was not only the fact which I thought we can make and still believe we can make into a very valid debate—and maybe we can write legislation here on the floor, which many of us think is

not a good idea—that indeed some of us believe the authorizing committee should certainly have something to say about whether or not the Coast Guard keeps these open or not.

I am not an expert in this area at all, and will readily admit that. The testimony I heard indicated that it was appropriate, but we did not hear from many people who live along these coastlines. I think it would have been appropriate to us to have done so.

Let me also say that the problem with offering an amendment in this fashion also is that they had to find \$6 million from somewhere. Well, where? Everyone says, "Let's go to the Office of the Secretary because there's some money there."

Well, we have done that, by the way, in this bill, over and over and over again. It is not the first time that that has happened. In fact, the committee itself pretty well decimates the Office of Secretary.

I hope all of the people understand that when you go to these places for money, when you call over there and expect some response to your congressional office, you do not plan on getting it anytime soon. Ultimately, when you keep making these kinds of cuts, and you demand information for your constituents from DOT, about the FAA or about an airport in your district, you are not going to necessarily get a call real quick back. Do not expect that as long as you continue to make these kinds of cuts.

Let me point out that we cut, in this subcommittee, the Office of the Secretary by \$2.5 million already. We are \$3 million or 5.3 percent below the fiscal year 1995 level. The substantial reduction that is being proposed here of an additional \$6 million once again would put us 15 percent below the 1995 level.

□ 1815

Well, they can eat that; right? With no harm? Well, I begin to question that, ultimately, if my colleagues do not listen to the testimony that we listened to.

I know many of my colleagues who are not on Appropriations think that we just have these numbers and they are nebulous and do not count. We find out how many people they actually have working in these offices. How far-flung is the Secretary of Transportation's office? Well, pretty good size. It has within it the Coast Guard. It has within it the Federal Highway Administration. It has within it the Federal Aviation Administration.

So I simply say to my colleagues that before we start making these kinds of cuts, if we really want to take this amount of money, let us find it someplace where we can all have a serious debate about the proper location for finding these dollars.

Those of us who represent districts that have a good deal of concern with

mass transit or with buses, certainly with highways, we intend to get responses from the Department. We have questions and things change, conditions change where we intend to lay down future transit operations, we expect the Department of Transportation to respond; do we not?

Well, they are not going to be able to if we continue to make these kinds of cuts, and it is for that reason I asked that the question be divided or that the gentleman not be permitted to offer the amendments en bloc.

Do not take the \$6 million out of here. Even if we pass the second amendment, I would say to my colleagues in the House, we can then determine where we find the dollars so that the Coast Guard would have the amount of money to keep open the stations.

Mr. LATOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to stress that my colleagues and I have spent a lot of time over the last 6 months looking into this issue and our concern is over human lives. We know and we can document that people's lives can be lost if this amendment is not passed.

What is happening, by closing small boat stations, we are creating great distances between the stations and increasing the Coast Guard's response time and basically making it impossible for the Coast Guard to be successful in responding to life-threatening situations.

Mr. Chairman, we are talking about \$6 million for something like 23 stations and even more that are going to be downsized. It seems to me that \$6 million is simply so small an amount of money to talk about a few lives that are going to be saved by passing this amendment, that it really is almost unconscionable for us to worry about that \$6 million when we are talking about human lives.

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, if any Member of Congress is interested in boating safety, this is the amendment for them.

Mr. Chairman, I can tell my colleagues from personal experience in Dorr County, WI, that our Coast Guard has saved many a life. Washington Island Station is located in an extremely popular tourist area of Dorr County. This scenic peninsula juts out into Lake Michigan and attracts a very high level of boat traffic. It has over 80 miles of coastline, more coastline than any county in the United States, and that is why the Coast Guard has just renovated the Washington Island Station at a cost of some half a million dollars.

Now they come along and they say they want to close it. Well, in the last

year, the Coast Guard rescued four injured people. The Coast Guard says, well, the other stations can respond in an emergency within 30 minutes.

Mr. Chairman, waiting for 30 minutes for a pizza may be all right, but it certainly is not all right if you are on a stranded boat or in a capsized boat, and that is why I think this amendment is so important.

I have people from all over the area who have written me. Here is a person who knows what is going on, Doc Randley. He says, "Emergencies and disasters happen; without the Coast Guard, people will be in peril."

Here is another person that writes, R. J. Hartman, and he said, "Will you please explain to me why the U.S. Coast Guard was allowed to spend \$400,000 to \$500,000 of taxpayers' money, only to terminate the facility 4 months later."

Mr. Chairman, this is not good planning. The amendment before us corrects the situation, and I ask my colleagues to vote for this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in passionate support of this amendment. While I regret the possibility of a delay in information from the Secretary of the Interior, I even more deeply regret the delay in the arrival of the Coast Guard in response to an SOS.

We are told not to worry, that there is going to be 2 hours response time uniformly around the country. Let me just suggest that if one of us has the misfortune of being in the water in the winter, we damn well better be in Florida and not in the northwest Atlantic off New England, because 2 hours is absolutely academic; it is long.

We will be able to put a dollar value on human life, Mr. Chairman, if this amendment is rejected, because 2 or 3 years from now we will be able to tell exactly how many lives were lost that otherwise would have been saved, divide by \$6 million, and at long last we will have an answer to the question: What is a human life worth? For God's sake, support this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield the balance of my time to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Chairman, there were tragedies in Maine when, in 1990, the Coast Guard station temporarily closed down in Eastport, ME. It closed down for approximately 14 months and during that time, two people drowned. This tragedy was a terrible blow to the community. If the station had been operational, there is a possibility that those lives could have been saved.

Mr. Chairman, I know the appropriations and the budget process have to come together, but when we are talking about human lives, and in Eastport, ME, there were two lives that were drowned because of the lack

of that station. This is the documentation for me.

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

Mr. Chairman, this amendment ought to be defeated, because if Members remember how they voted last time, just 2 months ago, they voted to defeat the amendment then.

Second, if we cannot do this, then frankly we have to fold up our tents and say we are never going to deal with our deficit, because this is a closure that is supported by the Coast Guard. It is also supported by the authorizing committee, which has looked into this.

The gentleman from Texas [Mr. COLEMAN] says the Secretary of Transportation's office has already been decimated. So as we vote, I think it is a good clear vote. The Coast Guard needs the flexibility. They oppose the amendment. It is opposed by the Coast Guard authorizing committee. It would destroy the whole deficit reduction program.

Mr. Chairman, I strongly urge a "no" vote on the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE].

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

#### RECORDED VOTE

Mr. LATOURETTE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title I?

#### AMENDMENT OFFERED BY MR. FOGLIETTA

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

The Clerk read as follows:

Amendment offered by Mr. FOGLIETTA: Page 14, line 7, strike "\$60,000,000" and insert "\$195,000,000".

Page 25, line 24, insert after the dollar amount the following: "(increased by \$135,000,000)".

Page 25, line 25, insert after the dollar amount the following: "(increased by \$135,000,000)".

Page 26, line 3, insert after the dollar amount the following: "(increased by \$135,000,000)".

Mr. FOGLIETTA (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 Pennsylvania?

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on

this amendment, and all amendments thereto, close in 20 minutes for each side. I was thinking 20 minutes total. But if the gentleman from Texas [Mr. COLEMAN] would like, 15 minutes each side for a total of 30 minutes.

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

Mr. COLEMAN. Mr. Chairman, reserving the right to object, just so the majority and the minority can, in fact, do this on the amendments that may take a bit of time, I would ask the gentleman from Virginia [Mr. WOLF] if he would consider amending his unanimous-consent request so that it be divided for 10 minutes for the author, 10 minutes for the minority side, and 10 minutes for the majority side on the issue.

Mr. WOLF. Mr. Chairman, is the gentleman opposed to the amendment?

Mr. COLEMAN. Yes, I am.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the author be given 10 minutes, 10 minutes for the ranking minority member and 10 minutes for the majority.

Mr. COLEMAN. Mr. Chairman, did the gentleman ask if I supported the amendment?

Mr. WOLF. Mr. Chairman, I asked if the gentleman opposed the amendment.

Mr. COLEMAN. No, I support the amendment.

Mr. WOLF. Mr. Chairman, then I do not think that would be fair. I think we ought to go 20 and 20.

Mr. COLEMAN. Mr. Chairman, that would be fine.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOGLIETTA] will be recognized for 20 minutes and the gentleman from Virginia [Mr. WOLF] will be recognized for 20 minutes.

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

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

Mr. Chairman, I rise with my colleague, the gentleman from Pennsylvania [Mr. FOX], to offer a bipartisan amendment to keep our Nation's buses, trolleys, and subways on track. I ask my colleagues this: What does a pipefitter in South Philadelphia have in common with an elderly couple in Davenport, IA, or with a mother trying to get off welfare in Parkersburg, WV?

Mr. Chairman, what they have in common is that they all depend on mass transportation. A subway takes the pipefitter to his job in the Philadelphia Navy Yard. A Dial-a-Van takes the elderly couple in Iowa to visit the

doctor and a bus gets the welfare mother to her first job in Parkersburg. Mass transit is more than just metal and rubber on buses; it is more than just subway cars and vans; it is an investment in people and in self-sufficiency.

Mr. Chairman, it is shortsighted and wrongheaded policy to back away from Federal support of mass transportation, because what will happen if the committee cut in transit assistance happens? In Philadelphia, the transit fare, the second most costly fare in America, may increase by 3 percent or service will be drastically cut.

The van fare in Davenport will increase by 150 percent. A ride on one of Parkersburg's seven buses will increase by 135 percent. Transit is a priority all across America; in big cities, small towns and suburbs, and farm country.

I recognize the difficulties my chairman, the gentleman from Virginia [Mr. WOLF], faced in putting together this bill. These are tough budget times. We are all trying to do more with much less. Transportation is no different, but unfortunately, equity was not achieved. The Federal highway program gained an \$800 million windfall, while mass transit took 60 percent of the reductions in this bill. Transit operating assistance was slashed by 44 percent. Across the country, fares will go up and services will be cut.

With the reduction in operating assistance contained in this bill, it is estimated that in 43 small cities and towns across the country transit service will cease to exist. Transit services could end in Mansfield, OH; Greeley, CO; Nashua, NH; Yakima, WA; Muskegon, MI; Amarillo, TX; and Iowa City, IA. The list goes on and on.

Mr. Chairman, who will be the victims? In many smaller towns, the victims will be senior citizens; the same senior citizens who will receive dramatic increases in their Medicare. Our amendment restores a modest \$135 million for transit operating assistance. It rescinds \$135 million from the FAA's facility and equipment unobligated balances. The FAA has \$178 billion unobligated in this account.

□ 1830

My chairman has already taken back \$60 million from this balance in the bill. Some funds have been idle since 1991.

We need to make a small proportion of this money work for us right now. It still will be, if we take this money out, \$1.58 billion in this account, and in fiscal year 1996, we will be adding an additional \$2 billion.

Later today we will also be offering a second amendment to provide the outlay authority to fully offset this increase in transit assistance.

The second amendment would limit the obligations in highway demonstrations to \$200 million in fiscal year 1996. We wanted to be true to the principles

of budget discipline. That is why pork-busting Citizens Against Government Waste have endorsed our amendment.

The administration requested elimination of highway demonstration project obligations in their budget request for the Department of Transportation. There are billions of dollars' worth of projects that our authorizing committee included in their bills.

These projects are 5 to 12 years old. This is a rational way to control spending. But let me make one thing clear: The amendment does not rescind or cancel a single highway demonstration project. I repeat, the amendment does not kill a single highway project or reduce funding for these projects.

This battle always comes down to a fight between highways and mass transit, but this is wrong. Transit and highways should not compete. They should complement each other.

I guarantee you the drivers in your district support this amendment. They want people who take transit to work today to be in their cars tomorrow? I do not think so. Drivers and transit riders share a common interest.

We have to support this shared goal by investing in transit.

Support the Fox-Foglietta amendment.

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

The CHAIRMAN. Is the gentleman from Virginia [Mr. WOLF] opposed to the amendment?

Mr. WOLF. I am opposed to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOLF] for 20 minutes in opposition.

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

Mr. Chairman, I strongly oppose the amendment. I think when people come over here to vote on this, they ought to think in terms of airline safety.

There are major problems with this amendment. It takes away funds from ongoing projects approved by Congress and a need to revitalize the air traffic control system across the country. Every time Pena comes up here, they talk about the air traffic control system over and over and over. This would hurt that very, very badly. Any Member thinking in terms of flying has been concerned about it. It is one thing to rescind funds that are no longer needed for pork-barrel projects. It is another thing to disrupt needed, ongoing programs. That is exactly what the gentleman's amendment does. It cuts programs needed for radar and communications systems all across the country.

The air traffic control system is falling apart. The bill before us today adds \$90 million above, \$90 million above the administration's request to put the system back in a good state of repair.

The gentleman's amendment would allow the FAA to take most of the

money we added in the bill for safety-related equipment away. Many of you know the disaster safety records we have seen over the past year in aviation. This has been one of the worst years in aviation.

We need additional funding for safety systems, the terminal Doppler radar. You recall what happened down in Charlotte, the wind sheer alert system. So for that one reason alone, as many others, and I know the gentleman from Pennsylvania [Mr. SHUSTER] will cover it.

I am strongly opposed to the amendment.

The gentleman wanted to put more money into mass transit. We were sympathetic. Quite frankly, if you really want to help mass transit, when we have a vote tonight on 13(c), if you really want to help mass transit and lower the fares, you will also vote to eliminate the 13(c).

This amendment is not the approach. Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

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

Mr. FOGLIETTA. Mr. Chairman, first of all, I believe we want to help mass transit. We want to help mass transit by using funds which are not going to be obligated this year; second, not by aiding mass transit by putting the aid on the backs of the working people of this country who work for mass transit.

The gentleman, and I am sure rightfully, declares that he is concerned about traffic safety, air traffic safety. Well, the fact remains the chairman himself rescinded \$60 million from this account.

Now, even with your withdrawal and my withdrawal, our rescissions, we still have \$1.58 billion in the account, and this year we are putting in \$2 billion more.

Mr. WOLF. Reclaiming my time, the committee, on page 62, strongly, strongly talks in terms of safety. It says—

the Committee has placed the strongest emphasis on maintaining, and improving wherever possible, transportation safety around the nation. Because of significant concerns over the past year regarding the state of aviation safety, the Committee feels strongly that additional funding emphasis should be placed on new safety-related equipment. Among other things, this equipment will provide controllers, pilots, and airline dispatchers a more accurate and up-to-date understanding of dangerous weather conditions and provide a clearer picture and automated alerting of potential conflicts between aircraft maneuvering on airport surfaces.

This amendment would not be good for aviation safety. This amendment would allow many of these programs to be cut, and you could talk about helping mass transit, which is fine, but you do not want to do it by taking money away from aviation safety.

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

Mr. FOGLETTA. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the amendment my distinguished colleague, TOM FOGLETTA, and I are offering today is one of importance to me and to those who represent urban, suburban, and rural districts alike.

One component of the Nation's transportation system, mass transit, will take a dramatic cut in funding as part of our overall effort to move toward a balanced budget. The current fiscal year 1996 Transportation appropriations bill reduces funding for mass transit operating assistance from \$710 million in fiscal year 1995 to \$400 million in fiscal year 1996. That's a 40 percent reduction, which will be devastating to the Nation's bus, subway, and light rail systems.

This blow to mass transit comes at the same time highway funding is being increased by \$800 million. This is unfair and wrongheaded policy. Highways and transit should complement each other, not compete against each other. Mass transit is more than metal and rubber, more than buses, subways and trains. It is critical to our cities, vital to the suburbs and a godsend to rural communities.

For example, my constituents from Montgomery County, PA, a suburban district outside Philadelphia, depend on buses, subways, and light rail systems to carry them to work, to school, to health care providers, and to recreational opportunities. In fiscal year 1995, Philadelphia received \$28 million in operating assistance. Under the proposed Transportation appropriations bill, funding would take a dramatic and unfair decrease to \$15 million.

This amendment is also about opportunity. Opportunity is a word and a concept that has gained great momentum on this side of the aisle and I know my colleagues on the other side of the aisle also appreciate our need to increase opportunities for all Americans. However, opportunities require access to be realized and mass transit provides that access.

As strong proponents of mass transit, Congressman FOGLETTA and I have joined forces to restore a modest \$135 million for operating assistance for mass transit in the fiscal year 1996 Transportation Appropriations bill.

It rescinds \$135 million from the FAA's facility and equipment unobligated balances. The FAA has \$1.78 billion unobligated in this account and some of the funds have been idle since 1991. No one is looking to interrupt any safety projects, nor would this funding do so.

Our proposed increase in the recession will still allocate \$1.45 billion to the FAA. We need to take a small portion of this money work for us now. Later today, we will also be offering a

second amendment to provide the outlay authority to fully offset this increase in transit assistance.

Our amendment demonstrates budget discipline. That is why we have received endorsement by the Citizens Against Government Waste.

Mass transit is of vital importance across America—in big cities, small towns, the suburbs, and farm country. However, the funding in this bill would be devastating.

Fares would go up, services would be cut. My colleague, the gentleman from Pennsylvania [Mr. FOGLETTA] stated he has estimated 43 small cities and towns across the country, their transit service would cease, and in my hand, I could go into statistics about many other areas in the country severely impacted.

I know my colleagues are well aware of these numbers and facts. We all know the value in mass transit. We need only to step forward now and restore fairness to overall transportation policy.

I ask for a favorable vote for the Fogletta-Fox amendment.

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

On page 66, Members ought to look, particularly Members from the Philadelphia area, Philadelphia National Airport,

Airport movement areas safety system (AMASS).—Given this program's importance to aviation safety, the strong support of the National Transportation Safety Board, and recent calls for accelerated fielding by the FAA Safety Summit, the Committee recommendation includes an additional \$20,000,000 for AMASS systems. The recommended level includes AMASS systems for airports in the following locations: Philadelphia, PA; Seattle, WA; Denver, CO (2 systems); Anchorage, AK; Miami, FL; Cleveland, OH; Dallas/Ft. Worth, TX; San Francisco, CA; Kansas City, MO; and Memphis, TN.

People want to ride transit. They want to ride airplanes safely. It would be wrong to take aviation safety money out to do this.

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I join with the chairman of the Transportation Appropriation Subcommittee in strongly opposing this amendment.

This amendment would cut FAA capital funding to offset transit subsidies. This would rescind approximately \$130 million from the FAA's facilities and equipment account.

What do these accounts include? These are safety accounts, safety-critical equipment, such as aviation radars, air traffic control equipment, and weather detection equipment.

This amendment would significantly delay or even cancel the delivery of aviation safety equipment at hundreds of U.S. airports. This amendment would put the safety of air travelers at risk.

FAA has been criticized repeatedly about its inability to develop equipment more quickly. Now, if this amendment passes, equipment delays will no longer be the FAA's fault but the fault of the Congress. If this amendment passes, we will not know what safety-related aviation equipment is going to be delayed or canceled.

This amendment simply cuts \$130 million. But it does not specify which safety program. It gives Congress' power over the purse away and hands it over to the bureaucrats down at FAA who will be the ones to decide whether it is your safety radar that is going to be eliminated and which cities should have a safety cut because of this amendment.

Last year's aircraft accidents north of Indianapolis and in North Carolina tragically emphasized how important weather information is to aviation. This amendment could cut weather detection programs.

The point is if this amendment passes, we will not know what programs will be cut. It is a blind cut. Since the majority of projects in the FAA's facilities and equipment account are for safety, this amendment will cut safety projects.

Finally, the amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund. Aviation users pay into this trust fund, and they expect the taxes to support aviation capital projects.

The aviation taxes are not being spent now as intended, but if this amendment were to pass, it would further mask and distort the size of the deficit in that trust fund. If this amendment passes, it will reduce the aviation trust fund spending even further.

I strongly oppose this amendment and join with my colleague, the chairman of the Transportation Appropriations Subcommittee, the gentleman from Virginia [Mr. WOLF], in strongly urging a "no" vote on this antisafety aviation amendment.

Mr. FOGLETTA. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the fact of the matter is we are dealing with unobligated funds, not safety projects as has been stated, and the fact also is the Department of Transportation did not ask for the \$1.78 billion that is going to FAA.

No safety product will be cut. The fact is, \$135 million needs to go to save our cities, our suburbs, our rural communities, so mass transit can live on, be well and be safe, as well as cars and as well as our airways for our planes and helicopters and the air transportation.

I think we need to talk about how all systems must work together.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in opposition to this amendment.

This amendment would rescind approximately \$130 million from FAA's facilities and equipment prior year accounts.

I oppose this amendment for three reasons.

First, crucial safety equipment is funded by the facilities and equipment account such as aviation radars, air traffic control equipment and weather detection equipment. This reduction would keep FAA from delivering aviation safety equipment to hundreds of U.S. airports. If airports don't have the necessary safety equipment, the traveling public will not be properly protected.

Second, this amendment fails to identify what projects will be reduced. We have no idea if radars in Missouri or landing aids in New York City will be cut. Under this amendment, FAA staff decides what programs to cut.

Finally, this amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund. Aviation users pay into this trust fund and expect the taxes to support aviation capital projects.

I strongly oppose the Foglietta amendment and urge you to vote "no."

□ 1845

Mr. FOGLIETTA. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member of the subcommittee.

Mr. COLEMAN. Mr. Chairman, I rise in support of this amendment which would soften what everyone here understands and knows, or should know, has been a severe blow to the mass transit programs. One of the deepest cuts in this bill is the cut recommended for transit operating subsidy, a reduction of \$310 million or 44 percent below the current level that we spent in 1995. Now 44 percent cuts are pretty drastic. His amendment only softens the blow; it does not restore it. The cuts included will require deep reductions in transit services and steep increases in transit fares all across this country. To cut that will have a devastating impact on transit users throughout the Nation, but particularly in small urban areas and in rural communities.

I know when we say mass transit some people think, well, a mass transit worker must be in a big city. Well, that is just not the case. Those of us in west Texas understand the importance of this section of the bill. According to the Federal Transit Administration, if States and localities do not step in and make up the difference, and my colleagues and I know many of them will not or cannot, 43 smaller communities

will face fare increases of more than 100 percent, and their transit systems are on a precipice of folding. Fifty other communities will face fare increases from 50 to 100 percent, and 61 communities could see their fare increased from 30 to 50 percent. Now those are data that we, the committee, has. It was made available to us, and yet this subcommittee went ahead and made what I consider to be improper and overly huge cuts.

Well, I will just say to my colleagues that I think what we need to understand is what the Foglietta amendment does. I hear all the objections coming from the other side about where he goes and gets the money on this section of the amendment. Where he is going of course is he is going to capital funding accounts in the FAA, and that is correct, unexpended balances. How many times have we heard we cannot keep money out there in agencies if we are not going to spend it? Well, they are keeping it. This is unexpended balances. In fact, \$130 million is a lot of money, but taken with a total unobligated—balances that are out there; do my colleagues know what that total is? It is \$1.7 billion, and this bill adds another \$2 billion. So the \$130 million out of the \$3.7 billion in moneys to be expended is not that big a hit on that capital account.

Now the reality is we all know that with this self-imposed national emergency that we now have on our hands in the appropriations process we have got to look hard to find dollars. But my colleagues and I know that the Foglietta amendment does not do devastation to anything.

It is interesting to note my chairman, the gentleman from Virginia [Mr. WOLF], correctly said we were not going to do highway demonstration projects, and he kept his word, we did not, but that does not mean this Congress is not doing them. This Congress is doing them, and that is where we ought to get to also, some facts. The bill itself, this bill, will permit continued spending on the 539 highway demo projects authorized under ISTEA which are completely exempt from any spending controls.

I say to my colleagues, "The next time you talk to a conservative in this place, I want you to ask him how he voted on this particular amendment." That is the issue.

Let us all admit what we are doing here: 539 continuing highway demonstration projects. All the Foglietta amendment does is limit it, limit obligations to anything in excess of \$200 million. He does not even cut those out. He was correct in his opening statement in telling everybody in this House that he was not cutting projects that are ongoing, he is not going to do that, it does not happen. It does not kill my colleagues' highway projects. What it simply says is that we have

some spending controls with this amendment on 539 highway demonstration projects that this bill funds.

Mr. WOLF. Mr. Chairman, before I yield to the gentleman from California [Mr. MINETA] I yield myself such time as I may consume.

Let me say the ranking member in the committee talked a lot about aviation safety, and then all of a sudden he is not interested in it.

This deals with a terminal weather doppler system that, if it had been in effect in Charlotte, NC, the people probably would still be alive, and the money he is talking about taking is the money in this bill. It is unobligated because the bill has not passed. Once the bill is passed, they will obligate it; that is the way the process goes. The FAA cannot obligate money until we pass it, and that is what we are doing today. We are trying to pass the bill.

So my colleague was interested in the committee and talking about our cuts with regard to the FAA. We have made cuts, but my colleague wants deeper cuts.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I oppose the amendment offered by the gentleman from Pennsylvania, the proposed rescission of \$130 million from the facilities and equipment account of the FAA. F&E is the important program which provides the funds needed to develop and purchase the capital equipment used in the air traffic control system. Much of this equipment development will enhance the safety of the system and save lives. I have in mind such projects as Terminal Doppler Weather Radar, which will improve our ability to detect hazardous windshear, and airport surface detection equipment which will help avoid collisions while aircraft are moving around the airport. The F&E account also supports FAA's extensive program to modernize the air traffic control system, which now relies on equipment which is several generations behind the current state-of-the-art in technology, and which is becoming increasingly difficult to maintain.

All of the funds for the FAA's F&E program are taken from the Airport and Airway Trust Fund, which is wholly supported by taxes paid by the users of the aviation system. The users are entitled to have us respect the promises made when these taxes were imposed, that the funds will be fully used for aviation programs and not diverted to other modes of transportation, however worthy.

The Appropriations Committee has been strict with the F&E program. Under the committee bill, funding for fiscal year 1996 is almost \$100 million, or 5 percent below the funding for fiscal year 1995. There is no indication that the needs of the program are any

lower this year. In addition, the committee has rescinded \$60 million of prior year appropriations; this represents funds which were made available for several years, and which FAA has not yet committed.

The amendment proposes rescission of an additional \$130 million from the F&E program. This will have serious adverse effects on FAA's ability to improve the safety and efficiency of the air traffic control system. There is no indication that the rescinded money is no longer needed. When this money was appropriated in prior years it was not expected that all of it would be spent in the first year; the money was made available for 3 years or more. The supporters of the amendment have not shown that any of the prior years' funding is no longer needed. Although some F&E projects have gone more slowly than anticipated they are going forward. If the money appropriated to support these programs is rescinded it will have to be reappropriated when the FAA is ready to spend it. In the difficult budget climate we will face, it is not realistic to expect that future year funding will be increased to make up for funds which were rescinded. Much or all of the rescinded funding will be lost forever.

In short, the pending amendment threatens the safety and efficiency of the air traffic control system. I urge defeat of the Foglietta amendment.

Mr. FOGLIETTA. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, let me say to the gentleman from Virginia \$1.7 billion is unobligated. It has already been appropriated, and the gentleman himself cut \$60 million under facilities and equipment, page 71 of the report, Mr. Chairman. In airport and highway trust rescission he has already cut \$60 million out of it. The \$130 million down to the \$1.7 billion that has already been appropriated, that is how it does work, Mr. Chairman. Do not get worried about how it does, in fact, work. The gentleman has already rescinded that money. When I talked about highway safety, I am talking about the next section, research, engineering, and development, where he zeroed out a number of programs that he should not have.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FLANAGAN].

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of the amendment offered by the gentlemen from Pennsylvania, Messrs. FOX and FOGLIETTA. They have brought forward a well-crafted amendment, and urge my colleagues to support it.

Mr. Chairman, we all recognize that a sound national transportation system is critical to a robust economy. Without the ability to move goods and people efficiently, our economic engine would soon deteriorate and eventually stall.

Today, Americans spend nearly \$1 trillion on transportation and related services, which represents nearly 17 percent of our gross domestic product. Each \$1 billion spent on highways and transit generates approximately 60,000 direct and indirect jobs. Mass transit does not only produce economic benefits, it also helps to reduce congestion, energy consumption, and pollution.

With all this said, let us look at the appropriations legislation before us today. H.R. 2002 cuts mass transit operating assistance by \$310 million. That's a 40-percent reduction. Combine this with the fact that there is also a 20-percent reduction in capital funding, and we're talking about huge reduction in Federal support for mass transit. But while Federal funding for public transportation is sharply reduced, unfunded Federal mandates and regulations which burden our regional transit systems by driving up the costs of doing business are not being cut in the same expedient fashion.

I believe that we will get there but not this fast and not in this fashion.

Today, many of our regional transportation authorities are fighting for financial life. In order to survive, they're constantly trying to do more with less. But, they can do only so much until they reach the breaking point. Unless we first substantially reduce the amount of unfunded Federal regulations, we cannot, in good conscience, reduce a major source of income that keeps many of our transit systems afloat.

Mr. Chairman, while these reductions in mass transit are proposed, our highways are receiving a \$600 million increase from fiscal year 1996 and the Federal Aviation Administration is funded nearly \$1½ billion more than what the President requested in his budget. While I certainly support the concept of improved highways and airports, I cannot help but point out that there is something out of balance here. Highways, airports, and mass transit should complement each other, not compete against each other. I'm afraid with this kind of inequity in funding, highways, airports, and mass transit are being forced to become competitors. With all due respect to Mr. WOLF, this does not strike me as the best way to achieve an integrated, efficient national transportation system that serves as the lifeblood of our national economy.

Millions of Americans are utilizing mass transit today. Most of these riders are going to work; many are going to the shops or to the doctor or to school. For these people, mass transit is a wise commuter alternative; for some, it is the only alternative.

So, let us be fair to all of those people who rely on buses, subways, and light rail. We are not suggesting that Congress spend extravagantly. We are simply proposing to restore just some

of the vital operating assistance our transit systems so desperately need. Congressmen FOX and FOGLIETTA have steered a responsible course in bringing their amendment to the floor. Restoring \$135 million in operating assistance is a good compromise.

In the end, Mr. Chairman, passage of this amendment is the fair thing to do.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in opposition to this amendment.

The amendment would cut approximately \$130 million from the FAA's facilities and equipment prior-year accounts.

The facilities and equipment account funds crucial safety equipment such as aviation radars, air traffic control equipment, and weather detection equipment.

This amendment reaches back to prior-year funds and blindly grabs money—the the amendment doesn't state where the funding cuts are coming from. Will a radar get cut? Will a terminal Doppler Radar be cut?

This amendment gives away Congress' power to determine where American tax dollars are to be spent and hands it over to bureaucrats who decide what radar in what city should be cut.

This amendment would significantly delay or even cancel the delivery of aviation safety equipment at hundreds of U.S. airports all across the country.

FAA has been criticized repeatedly about its inability to develop and deliver aviation equipment quickly.

I am currently working with Congressman LIGHTFOOT and Congressman OBERSTAR on a bill to reform FAA which would improve the way FAA acquires equipment. This amendment undermines that effort.

It is important to remember that this amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund.

In other words, the gentleman's amendment would take away the opportunity to spend aviation taxes on aviation programs and instead spends funds on inner-city transit subsidies.

This is wrong. These aviation taxes are placed in a trust fund, over \$5 billion each year, for the sole purpose of aviation improvements at airports all over this Nation.

Aviation users expect the taxes to support aviation projects which are badly needed.

The fact is that this amendment does not save any money. It merely shifts money from important aviation safety projects to transit subsidies.

I strongly oppose the Foglietta amendment and urge my colleagues to vote "no."

□ 1900

Mr. FOGLIETTA. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman.

Mr. Chairman, the gentleman said on two occasions that we are not concerned about air safety, but rather inner-city subsidy mass transportation. Nothing could be further from the truth. The fact is, sir, we are concerned about air safety, and the fact is that we will have remaining in this account \$1.58 billion after this reduction is made, and we are putting an additional \$2 billion in this year. The fact is that this money will not be used only for inner-cities, but for every small town throughout the United States of America to provide some sort of mass transportation.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I rise in strong support of the Foglietta amendment.

Mr. Chairman, operating subsidy is crucial for the operation of our transit systems, both in rural and urban America. I represent urban America. I represent an area with bus systems. The reality is that for thousands of people who live in our urban centers, the only way they have mobility is through the bus system. In other areas it may be rail, but in mine it is all bus.

There is a significant number of people, I believe today the number I heard was over half the people, in poverty have no cars. Most of them are working. The only way they get to their job is by riding a bus.

Buses are labor intensive. You have to have somebody operating them. You cut this operating subsidy, States are cutting back, the only thing that is going to happen is that the rate structure is going to go up, or they are going to cut routes in our urban areas, and what it means is fewer and fewer people can get to work.

Mr. Chairman, we are talking about welfare reform, of requiring people to go from welfare to work. I think we all agree with that. But the reality for thousands of people who live in our urban centers today is the only way they are going to be able to get to a job is to ride transit. We are either going to eliminate the service or make it more expensive.

The amendment makes sense. My only problem is I wish it were more generous. It is a very moderate reinstatement of funds for operating purposes. It makes good sense, and the House should adopt it.

Mr. FOGLIETTA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I rise in support of this amendment offered by my friends and neighbors, the gentlemen from Pennsylvania, Mr. FOGLIETTA and Mr. FOX. In rhetoric, we talk

a lot about protecting the environment, in encouraging mass transit, and in encouraging people to use more cost-effective ways to go to work.

In New Jersey as well as other States in the Union people are being forced to endure higher cost car inspections costs and put new emission controls on their vehicles, all in the name of environmental protection. The best thing we can do in the name of environmental protection is to encourage people to use mass transit. Dramatic cuts in name work in the opposite direction. The gentlemen from Pennsylvania, Mr. FOGLIETTA and Mr. FOX, have offered a modest, sensible way to reallocate funds from one part of this bill to another to encourage more people to use more mass transit.

This is good economically, it is good environmentally, and I want to urge my colleagues to support this well-thought-out amendment.

Mr. FOGLIETTA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that I respect greatly the chairman of my subcommittee, and sometimes when he speaks against mass transportation, I think he is speaking with his head and not with his heart, because he was a resident of Philadelphia who rode the mass transportation daily on his way to work and on his way to school, so I know he has a great sympathy for what we are trying to accomplish.

But let me say, Mr. Chairman, that, No. 1, we are concerned about air transportation safety. We are desperately concerned about that on this side of the aisle.

However, we want Members to understand that even if we make this rescission, there will remain \$1.58 billion unobligated, and this year we are adding \$2 billion more for air traffic safety. So we are concerned about safety.

But let me just say also that, No. 2, this is not a subsidy only for inner-city mass transportation. This is helping mass transportation throughout the United States of America. Senior citizens in small villages need to get to the doctors, they need to get to their bank. This is provided for them by mass transportation.

In urban areas, people have to get to work. We are concerned so much about taking people off of welfare and putting them in jobs. We have to understand, Mr. Chairman, that there are many people throughout this Nation who cannot afford automobiles, who depend on mass transportation for their livelihood and their very existence.

I ask Members to please support the Foglietta-Fox amendment.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Virginia is recognized for 4½ minutes.

Mr. WOLF. Mr. Chairman, I rise in strong opposition. The gentleman is

right, I took the 36 trolley car and went downtown; and, to the gentleman from New Jersey [Mr. ANDREWS], I used to take the trolley car when I was a mailboy for Curtis Publishing Co. over to Campbell Soup. So I am a big fan of mass transit, but this is not the way to do what the gentleman is doing. Let me read from the hearings.

In the hearings, this is what was said:

Virtually all of the 2,300 radar displays in our en route center are over 23 years old.

This is the Secretary of Transportation.

We have more than 500 landing systems that are between 15 and 30 years old. We have close to 400 radars that are between 15 and 30 years old, all of the largest communications switches in our en route center.

Then the Secretary goes on to say:

All the largest communications switches in our en route centers are over 29 years old. In an age where generations of computer technology are measured in months, the FAA spends \$7 million a year on vacuum tubes, a technology invented at the time of the Wright Brothers' first flight. This would be a mistake.

In the hearings, the Secretary made it clear.

Second, the minority Members, the gentleman from Texas [Mr. COLEMAN], my good friend, signed the minority views, and this is what the minority said:

Moreover, we believe that many important transportation technology and safety enhancing activities are cut too deeply in this bill.

Now, you thought it was cut too deeply in the bill; now you want to cut it deeper. The minority said:

We had hope for a better vision, bolder ideas and a more balanced approach to the critical transportation infrastructure and safety issues financed in the bill.

Well, that is what we are doing. The gentleman is going the other way.

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

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

Mr. COLEMAN. Mr. Chairman, I appreciate the gentleman yielding. The Foglietta amendment does not touch a dime of that. Just so the gentleman knows and so our colleagues are aware of the facts, it does not cut a dime of that.

Mr. WOLF. Mr. Chairman, reclaiming my time, it does. It cuts the money here that the Secretary says he needs. It cuts the facilities and equipment accounts, it cuts safety, and if Members will recall the North Carolina situation in Charlotte where the airplane crashed because the terminal Doppler radar system in Charlotte was not there, it would deal with wind shear alert system and many of the things the gentleman from California [Mr. MINETA] and the gentleman from Tennessee [Mr. DUNCAN] said.

In closing, we put in the report so Members could see, although I know

very few people read these things, it said:

In setting priorities for this bill, the committee has placed the strongest emphasis on maintaining and improving wherever possible transportation safety around the nation. Because of significant concerns over the past year regarding the state of aviation safety, the committee feels strongly that additional funding emphasis should be placed on new safety related equipment. Among other things, this equipment will provide controllers, pilots and airline dispatchers, a more accurate and up-to-date understanding of dangerous weather conditions and provide a clear picture and automated alerting of potential conflicts between aircraft maneuvering on airport surfaces.

If you vote for the gentleman's amendment from Pennsylvania, you will be basically negating this page from the report, because it will be basically meaningless. We put money in for safety because safety is important. Quite frankly, you could probably abolish the Department of Transportation, if it were not for the safety role. This is a fundamental major safety issue, and I strongly urge my colleagues, whether you are for mass transit or against, it, and I happen to be for it, the way to solve it is not to take safety money from the FAA.

So I strongly urge and plead on behalf of the flying public, a "no" vote on the Foglietta amendment.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOGLETTA].

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

#### RECORDED VOTE

Mr. FOGLETTA. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on this amendment will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title I?

#### AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment, marked No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 27, line 9, strike "\$1,665,000,000" and insert "999,000,000".

Page 27, line 12, insert "and" after the semicolon.

Page 27, line 15, strike the semicolon and all that follows through "project" on page 30, line 6.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that debate on this amendment be extended to 20 minutes, 10 minutes on each side.

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

Mr. COLEMAN. Mr. Chairman, reserving the right to object, I would ask if I could have one-half the time reserved for those in opposition for the minority side?

Mr. WOLF. Mr. Chairman, if the gentleman would yield, I would yield 5 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. MENENDEZ. Mr. Chairman, reserving the right to object, I would ask the gentleman, is this the amendment with reference to the 40 percent under ISTEA available for construction of new fixed guideway systems?

Mr. SMITH of Michigan. Mr. Chairman, if the gentleman will yield, this is the new start, taking out the \$666 million for 1 year.

Mr. MENENDEZ. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

#### POINT OF ORDER

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

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

Mr. MENENDEZ. Mr. Chairman, the new starts fiscal year 1996 appropriations, as well as the entire section 3 obligation limitations, is consistent, to the chairman's credit, with section 3006 of the Intermodal Surface Transportation Efficiency Act of 1991. This section provides that section 3 of Federal transit administration discretionary grants shall, shall be available as follows: "Forty percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems."

The amendment of the gentleman from Michigan [Mr. SMITH] would lower the ISTEA authorization percentages by virtue of the reduction in funds, in which the gentleman does that specifically on letter B on page 172 of ISTEA, specifically reducing this 40 percent available for construction of new fixed guideway systems and extensions to fixed guideway systems, and, in doing so, takes away the authorizing language of the 40 percent that shall be available for construction of such guideway systems. This would alter the authorized percentages, and thus would constitute an authorizing change on an appropriations bill, violating rule XXI.

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

Mr. SMITH of Michigan. Mr. Chairman, this amendment simply deletes an amount appropriated in the bill and is consistent with the rules of the House.

Mr. MENENDEZ. Mr. Chairman, in furtherance of the point of order, I would have the Chair note that the reality is that last year's bill, which also

tried to reduce the authorization, needed special language in order to accomplish that, because it could not be done strictly by reducing the amount.

□ 1915

So, therefore, while it is the amount that it is being reduced, it, in fact, goes against the grain of the authorizing mandatory language in ISTEA which suggests that 40 percent shall be available for such construction.

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

Mr. SMITH of Michigan. Mr. Chairman, I would also like to comment that almost one-half of these projects are unauthorized. They have been appropriated, but they have been unauthorized projects. It is not consistent with the rules of this House to do that except when those unauthorized projects are protected by a decision of the Committee on Rules. In this case, they have. The only recourse Members have is to consider a reduction in the amount appropriated, and I would suggest to the Chair that that is consistent with the rules of the House.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

The CHAIR is prepared to rule.

The amendment of the gentleman from Michigan is a reduction in an amount of appropriation. There are no textual changes in the distribution formula.

Therefore, the point of order is overruled.

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

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 3 minutes.

It is very difficult to proceed with an amendment that reduces 666 million out of a budget and just simply give an argument of 10 minutes. Four of us will attempt to do that.

When I was director of energy for the U.S. Department of Agriculture, in the early 1970's, we met every morning at 6:30 at the White House to decide how we were going to conserve energy, how we were going to reduce pollution, and how we were going to serve people that needed to move to the inner cities.

We decided to give extra support for mass transit at that time for those reasons. In every case for the pollution question, for the environmental question, for the conservation of energy question, for helping people move to the inner city, those efforts in these fixed guideway systems have failed.

This bill has \$660 million which is an incredible increase of \$19 million over last year's appropriation. The point is that many new starts are losing local support because of the inefficiency, because of the high cost, so we see local units pulling back while willy nilly we continue to say we will use Federal taxpayer dollars to continue to support these projects.

I name a couple, the Tasman project in California, which was approved and funded. They pulled out because of lack of local support. The Chicago circulator project pulled out. The Salt Lake City and the Los Angeles and the Portland project are now under scrutiny because even with the maximum 80 percent cost share by the Federal Government and only 20 percent cost share by locals, they think their 20 percent is a waste of money. So this amendment simply says, let us set back for one year, let us have a moratorium of 1 year and have an examination of what is helpful and realistic.

We have sent a letter to GAO, signed by myself, the gentleman from Ohio [Mr. CHABOT], the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, and said, evaluate these projects to see if it is reasonable to have this cost and if they will be helpful.

This amendment is what was recommended by the House budget resolution passed by this body just weeks ago. It is supported by the Citizens for a Sound Economy. It is supported by the American Legislative Exchange Council. It is supported by the Americans for Tax Reform. The National Taxpayers Union is scoring it. It was actually suggested by the Heritage Association.

This, my colleagues, is an important amendment. Consider where you want to borrow the money and spend that money in future years. By building these projects, we are also committing ourselves to subsidizing these projects in future years, because they cannot operate by themselves.

Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise today in support of the Smith-Chabot amendment to terminated new starts for mass transit. Mr. Chairman, we just passed, then just failed by voice vote here on the floor to offer additional moneys for mass transit operating expenses. At a time of budgetary constraints that we are in at this time, it makes no sense at all to be appropriating money for new starts for mass transit.

I do so also support this amendment because the current Federal transit funding system relative to mass transit, each time a gallon of gasoline is purchased in the United States, 1½ cents goes into the mass transit account of the highway trust fund.

The State of Oklahoma is a generous donor State in public transit. In fiscal year 1993, Oklahomans paid an estimated \$30 million into the Federal mass transit account and received less than \$2 million in return. Oklahoma ranks 42nd in return on Federal mass transit dollars.

I ask why should Oklahomans and other donor States pay for mass transit

systems in Washington, New York, Philadelphia, Boston, when my own hometown of Tulsa is in dire need of mass transit funding. It is not only not fair, it is ridiculous. The Federal Government has been subsidizing mass transit with the well-intentioned hope that it would become an efficient self-supporting method of transportation. Unfortunately, it has not worked out.

I believe that in this era of returning responsibility and authority back to localities, which have to deal with the everyday problems that towns and cities face, funds for mass transit which are generated at the local level should remain at the local level.

I support this commonsense amendment which puts an end for new rail starts for mass transit. I urge all of my colleagues and especially those from donor States to vote "aye" on the Smith-Chabot amendment.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Virginia [Mr. WOLF] will be recognized for 5 minutes, and the gentleman from Texas [Mr. COLEMAN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

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

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment.

Mr. Chairman, I rise in opposition to the Smith-Chabot amendment and urge my colleagues to join both the authorizing committee and the appropriations committee in opposing this short-sighted amendment.

I say short-sighted because this amendment ignores the lessons we have learned about reducing traffic congestion and cleaning up our polluted air. In some of our cities building new highways is not enough. Traffic congestion has brought us acres of new parking lots where once commerce and commuters traveled freely. We learned that our mobility solutions must involve both highway and transit alternatives.

In some heavily congested corridors, such as those listed in this bill, the appropriate new transportation investment is a transit fixed guideway system which we call a "New Start." These new starts include busways in Texas and California, light rail lines in Maryland and Oregon, commuter rail lines in fast-growing Florida, a downtown circulation system in Memphis, TN, and a ferry boat terminal in New York City.

In other words, striking New Start funds, as this amendment would do, would hurt tens of millions of American commuters who depend on transit solutions to meet their local mobility needs. We should support, not undercut, our national transportation policy which allows our cities at the State and local level to select the transportation solutions, highway or transit, which are right for them. Let's not micromanage our local folks out of business or pit one city against another.

Mr. Chairman, my colleagues know that the authorizing and appropriating committees have

not always agreed on every issue on this floor. Well, today we stand united in opposing the Smith amendment.

I urge my colleagues to reject the "us against them" philosophy embodied in this amendment and vote against the Smith-Chabot amendment.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, none of these projects are new starts. None. There is not a new start in the projects. It is the name that has been given, and we should probably change the name. All of the projects here have been funded in the past after extensive hearings. Some of them are the very best in the country. Let me give you one example.

The San Juan Tren Urbano project, the local government is paying two-thirds of the project and the cost effectiveness is \$4, well below the \$7 threshold recommended by the FDA. Another one involved here for Members from Texas is the Dallas project. The local match is 80 percent, if we could get local government to match 80 percent.

So really, there are no new starts in the project. Every single project that will be cut has had a continued funding, some for many, many years. In fact there is one or two, this will be the last amount of money that they will get. The one with regard to, up in Chicago, the commuter rail, 14.4. This would be the last time they will get it.

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

Mr. COLEMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we did the budget constraints. We provide only \$513 million for these 11 projects, even though the president recommended \$677 million.

All of the projects recommended in the bill will require significant State and local financial commitments. I think that the chairman just spoke to that issue. I will go down them: Dallas, TX, South Oak Cliff project, Los Angeles CA, New York, Houston, TX, Orange County Transitway, San Francisco, CA, airport project, Trem Urbano project in Puerto Rico. We all understand that commitment.

I cannot support an amendment that further cuts Federal support for transit infrastructure when this bill already cuts it, capital assistance 20 percent below the 1995 level. We talk about cutting transit assistance. We are really talking about ordinary people who depend on the bus, subway or train every day. We are talking about working Americans, 6 million people who use transit to get to work every day.

We need to oppose this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. CHABOT], co-sponsor of this amendment.

Mr. CHABOT. Mr. Chairman, relative to the term new starts, many of these projects, nothing has actually happened on the ground. There are some

environmental studies or they are in some sort of study. Nothing has really happened. So many of them are in the very early stages.

I believe it is absolutely critical for the future of this Nation that we finally balance the budget, not by raising taxes but by cutting spending. We are looking for places to cut spending. This is clearly a place to cut spending.

The Federal Government has financed a number of fixed guideway mass transit projects over the past three decades. This year the House Committee on the Budget at last decided that new light rail systems cannot be economically justified and recommended that we end the practice of funding these new projects. Despite huge amounts of Federal spending to build and then to subsidize the operating expenses of local light rail systems, many of these projects are proving to be expensive boondoggles.

The Smith-Chabot amendment would accelerate the savings to the taxpayers by eliminating from next year's spending \$66 million for new starts. Now, that is a huge amount of money. But the implications of this initial spending go far beyond that. We are talking about long-term commitment that would cost American taxpayers billions of dollars if these things go through.

Once these projects are started, cities and States look to the Federal Government to pay future construction costs. In fact, the Committee on Appropriations reported that the Federal cost for completing new projects has surged \$20 billion, a 150-percent increase over 4 years ago.

I have been told by people back in my district, which is Cincinnati, that our No. 1 priority should be achieving a balanced budget. I strongly agree with those sentiments. Many of the people at the State and local level do not believe that light rail makes economic sense but will nonetheless proceed with such projects if the Federal Government will foot the bill. We can no longer afford to foot the bill. We are broke.

At a time when our No. 1 priority is achieving a balanced budget, Federal funding for new light rail projects just does not make sense. A Department of Transportation study has found that subsidies for building and operating mass transit rail programs costs between \$5,000 and over \$17,000 per rider. New mass transit rail systems are so incredibly expensive to build that it might actually be cheaper if we just bought people cars.

It is absurd. We should pass this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment.

No one wants to be a pork barrel politician these days. It isn't the politi-

cally correct thing to do. But we cannot afford to run every time we see a needed infrastructure project come along.

We cannot afford to make the mistake of sticking our heads in the sand—no matter how badly we want to balance the budget—and pretend that we aren't going to need improvements in our Nation's infrastructure in the next several decades.

This amendment basically does just that. It says "We can save a few dollars today by pretending our transportation system won't be overloaded to the point of breakdown in the next 10 years."

We can do that—but it is very foolish to do so. What do we do in 10 years? Park our cars and walk?

I am not familiar with every project on this list. There might be some clinkers in there—there might be some projects that go oink in the night.

But I am familiar with one project in particular—the I-71/I-75 corridor study to determine the best way to meet our transportation needs in the future on a heavily traveled corridor through Cincinnati, OH and northern Kentucky.

This project is not pork. This project is a vital infrastructure necessity, if our area is going to continue growing without gridlock.

We can't just stick our heads in the sand, in northern Kentucky and southern Ohio. We know that traffic through this corridor is going to increase to between 100,000 and 160,000 vehicles a day over the next 10 years—if we can keep them moving.

We know that emplanements at the Cincinnati/northern Kentucky airport are going to more than double over the next 10 years—if the people can get there.

We know that the air quality problems which have already plagued the area periodically are going to get worse—unless we find new ways to move people through the corridor.

We know that northern Kentucky is growing like wildfire and that major downtown and waterfront developments are taking place on both sides of the Ohio river and we know that the existing transportation system is not going to be able to handle this expansion.

And we have responded to these facts—reasonably, rationally and cautiously. We have followed the blueprint laid out in ISTEA.

The Ohio-Kentucky-Indiana Regional Council of Governments—which serves as the designated metropolitan planning organization for the area, supports this project. It has the support of the Governors of Ohio and Kentucky and the local officials on both sides of the river.

The Federal Government has already invested \$2½ million in this ongoing study. State and local sponsors have already spent over \$600,000. This project was included in the highway authorization bill that passed this body last year. It is not something new that we dreamed up on the spur of the moment.

This project has followed all the rules.

This bill provides \$2 million to continue the process and provide for an environmental impact study and preliminary engineering—so that we can determine the best way to proceed.

It would be ridiculous, at this point, to throw out everything we have done—ignoring the investment of \$2½ million—to save \$2 million today.

The Smith-Chabot amendment is penny wise and pound foolish, Mr. Chairman and we simply can't afford it.

I urge my colleagues to reject this amendment. We can save a few bucks today by sticking our heads in the sand but if we do so, sometime down the road, we are going to find out that not only do we have sand in our ears but we also have one terrible traffic jam.

Reject Smith-Chabot.

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Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ], whose State is adversely affected by this amendment.

Mr. MENENDEZ. Mr. Chairman, I thank the distinguished ranking member for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. We have heard about pork barrel. Let me say, this amendment is sound bite politics. Virtually every program the gentleman wishes to strike has broad bipartisan support. I think my colleague, the gentleman from New Jersey, will be saying the same thing.

I received a call from the office of Republican Governor Christine Whitman saying, "Look, you need to speak against this ill-advised amendment." In my State, this amendment would destroy more than a dozen years of hard work and bipartisanship that created universal support for an essential transportation program that has been a model for the Nation.

The discretionary grant section of this bill includes New Jersey's urban core project, which is of major importance to New Jersey, both in terms of jobs created and for the improvement in our mass transit system. By linking several of New Jersey Transit's existing rail lines and modernizing equipment and facilities, the New Jersey urban core project is designed to make travel on the State rail network quicker, safer, and more convenient for thousands of current and potential riders.

The passage of the Smith amendment, as Governor Whitman's office says, would be devastating to New Jersey, and for that fact, other forward-looking States' transportation systems, and to the employment of hundreds of thousands of workers nationwide who depend on public transportation.

We talk about empowering people, Mr. Chairman, but the fact of the matter is that one of the major ways we do this is to create a transportation system that can get people to where there is work, or to shopping centers that create economic opportunities for the

host communities to realize rateables and create jobs. This is knee-jerk, uninformed, and I would suggest it is posturing at its worst. Mr. Chairman, I urge the House to reject the amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, I suppose I speak now for the knee-jerk uninformed types, because I believe an old Yiddish proverb that says no matter how long and how far you go down a path, if it is the wrong path, it is time to turn around. We have been going down this path and this railway for a long time. The fact of the matter is it still does not pay for itself.

For more than two decades the Federal Government has subsidized mass transit in hopes that it would become an efficient, self-supporting method of transportation. Unfortunately, it just has not worked out. Most people have chosen not to ride, and we have had to continually subsidize the existing systems. In 1970, public transportation carried 9 percent of commuters nationwide. Over the past 20 years, we have been pumping in federally subsidized dollars, and still the number continues to plummet. It has now fallen to 5 percent, yet the fares that are being charged do not even cover current operating costs in any system. That is true in every mass transit system in this country. Mass transit is clearly not cost effective.

This amendment makes sense, and it says that rail systems are using resources that could be better used elsewhere. That is why the National Taxpayers Union and other groups are coming out front and saying a very basic truth that Americans want us to say in this Government: If it does not make economic sense, if you could not find anybody in the private sector to engage in this type of business, then we do not need to throw more good money at bad money. We need to freeze new spending for these types of projects, say no to this waste and this pork, and move forward and be cost efficient and probusiness.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEWIS], a member of the committee.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague yielding time to me. I would like to extend my congratulations to the gentleman from Virginia, Mr. WOLF, the chairman, as well as to the ranking member, Mr. COLEMAN, for the fantastic job they have done on a very, very difficult subject area.

Mr. Chairman, this bill appropriates \$1.4 billion less than the 1995 transportation bill. Furthermore, this bill even falls \$384 million below the subcommittee's 602(b) allocation. This is a very,

very tough bill and a very, very difficult circumstance. This amendment before us has the potential of costing State and local governments millions of dollars to close down projects, settle lawsuits, and pay termination costs to contractors. Beyond that, if we cut this funding, we are eliminating jobs.

Unfortunately, the amendment will not reduce the deficit or even reduce Federal spending. The \$666 million the amendment proposes to cut will be put back into the Highway Trust Fund to be allocated at some future date. The amendment cuts funding for important projects in Atlanta, Boston, Cleveland, Dallas, Houston, Los Angeles, and the list goes on. I urge my colleagues to vote "no" on the amendment.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment. This amendment unfairly penalizes communities across this Nation by eliminating their fair share of transit funding.

The Federal Government has recognized the importance of balancing the transit needs of older and newer communities by dividing mass transit funding into three parts:

Forty percent of funding goes to rail modernization designed to assist older communities with previously developed transit systems—such as New York, Boston, and Philadelphia.

Forty percent is allocated to so-called new starts to develop transit in newer cities in the West, Southwest, and Southeast, such as Los Angeles, Portland, Houston, and Dallas.

And the remaining 20 percent is to be allocated for bus projects nationwide. The Smith-Chabot amendment would eliminate essential transit projects designed to assist communities and transit riders in newer and still burgeoning urban and suburban areas. While older communities would continue to receive funding for transit, newer areas would be unfairly penalized.

I also want to address specific issues raised by the sponsors of the amendment with respect to the Los Angeles metro rail project. Contrary to the Dear Colleague circulated by the sponsors, support among locally elected officials, Los Angeles County communities, and the business community remains nearly unanimous.

The sponsors of the amendment cite a commentary by State senator Tom Hayden, criticizing ridership figures on the Los Angeles subway. But those ridership figures are based on only 4.4 miles of subway currently operating out of a total of 23 miles to be constructed.

When complete, red line ridership will be fed by another 56 miles of light rail. The subway is the spine of a complete transit system, the object

of which is to make mass transit in Los Angeles accessible and convenient—changing a culture that relies on the automobile. That reliance must end if the region is to address problems of mobility, economic efficiency, and worsening air quality.

The need for the Los Angeles system is clear. Los Angeles County's population will increase by 3 million to almost 12 million by 2015. This is comparable to adding the current city of Los Angeles to the county's population.

Finally, I want to point out that the Federal Government has a contract with the citizens of Los Angeles County to fulfill its commitment on this project. Los Angeles is more than pulling its weight in investing in transit.

Over the years, we have continued to seek only a 50-percent Federal share out of a possible 80 percent. Twice, we have voted to tax ourselves to increase mass transit investments. And 70 percent of our total rail system is being built with no Federal involvement.

I strongly oppose the Smith-Chabot amendment and urge its defeat.

Mr. COLEMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment to the Department of Transportation Appropriations bill. This amendment would transfer money allocated for needed mass transit projects back into the Highway Trust Fund.

These Section 3 New Rail Starts and Extensions projects are strategic transportation investments in our cities which act as a magnet for economic development and productivity. These projects will provide our urban and suburban areas with effective and diverse transportation options.

In the San Francisco Bay Area, we are committed to a \$3.5 billion rail extension program capital program. Seventy percent of these projects are being financed with voter approved sales taxes and State bonds. The largest rail extension, the Bay Area Rapid Transit system, would link the San Francisco International Airport to San Francisco and the rest of the Bay Area.

The airport is under a major expansion program. The projected increase in traffic to the San Francisco Airport would overwhelm the existing highway system. A rail link is vital for air travelers arriving in the Bay area, for airport workers, and for commuters.

Federal funding for new rail starts addresses many important issues for our communities and cities. Mass transit can significantly improve air quality. Rail provides transportation services to the elderly and the disabled. Mass transit reduces the congestion on our highways which are being stretched the limit in many parts of the country. In the San Francisco Bay Area we have virtually exhausted our ability to build new highways or widen existing highways.

Mr. Chairman, this amendment saves no money, since the funds would revert back to the Highway Trust Fund. I urge the defeat of

this attack on mass transit. These new rail starts are forward-looking, sound, transportation investments in our cities. Let us make these needed investments.

Mr. COLEMAN. I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I, too, rise in strong opposition to this amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK], who is also from a State which will be adversely affected by this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I strongly oppose the Smith amendment, and I urge my colleagues to do the same. There is no deficit reduction in the Smith amendment, but there is a reduction in the quality of human lives that reside in all of our communities.

If Members look at where transportation needs are, my State of Florida is growing by over 700 people a day. They need to have a chance to get to work. We talk about jobs; this is a way to get jobs in our community.

I could speak from a personal experience about how good doing these new starts are. Dade County, FL, is one of the fastest growing areas. Our roads are gridlocked. There is no land for more growth. All of the super highways have been built. There is simply no more room to build new ones. We do not want this bill to be a relief act for the big transportation highway builders, we want to get a way for our people to get to work. Mr. Chairman, I strongly oppose this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Smith amendment. I believe it is shortsighted and it goes against the very principles of the ISTEA act of 1991. When Congress passed ISTEA, the goal was to give flexibility to the States, so that they could best meet their own transportation needs. The Smith amendment denies this right.

Mass transportation has already been cut substantially in this bill. This Congress has said time and time again that one-size-fits-all approach does not work. If a State chooses mass transit over highways, then they should be afforded that option, and not be forced into one type of transportation.

The Smith amendment is sending the wrong message. Mass transportation is a vital link to the economic and social well-being of the citizens of New Jersey and of the Northeast, the entire United States. I urge my colleagues to reject this amendment.

Mr. SMITH of Michigan. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] has one-

half minute remaining, each of the other two gentlemen have 1 minute remaining, and the gentleman from Virginia [Mr. WOLF] has the right to close.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment, and not to attempt to repeat everything that has been said, but this amendment will interfere with a number of projects already started. In Dallas alone, it will interfere with 64,000 jobs, with the capacity to increase the worth and the amount of revenue into the billions of dollars.

Mr. Chairman, this amendment will stop transportation routes that have already begun, that would get people to work, to their homes, and then provide jobs. I would ask all of my colleagues to vote against this amendment.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I would ask the gentlewoman in the time remaining, it is true, is it not, that the local government of Dallas, TX, is paying for 55 percent of the Dallas, TX, south Cliff project, as it is?

Ms. EDDIE BERNICE JOHNSON of Texas. That is right, Mr. Chairman.

Mr. COLEMAN. Mr. Chairman, if the gentlewoman will continue to yield, I would just say that this is the kind of amendment that does a lot of damage to a lot of projects that are in varying stages of development all across the United States. It should be defeated.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] has a final one-half minute remaining.

Mr. SMITH of Michigan. Mr. Chairman, these are local projects. We are asking for a 1-year moratorium. The gentleman from Ohio, JOHN KASICH, chairman of the Committee on the Budget, and several of us have requested that GAO evaluate these projects. Mr. Chairman, I would like to mention that we have the Committee on the Budget resolution that we passed, the National Taxpayers Union, the Citizens for a Sound Economy, Americans for Tax Reform, and Heritage support this amendment. We have to take time to move back and decide the best way to spend available funds.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and yield the balance of my time to the gentleman from Pennsylvania [Mr. COYNE] for closing.

Mr. COYNE. Mr. Chairman, I rise in opposition to the amendment before the House which would eliminate all funding for mass transit projects and shift these funds to highway projects.

I am very concerned about the impact of this proposed amendment on the people I represent. Pittsburgh and the Port Authority of Allegheny County are depending on the Airport Busway project to provide a cost-effective answer to the traffic congestion now common between downtown and the airport.

The Airport Busway used former railroad rights of ways as dedicated roadways for transit buses that travel free from local traffic congestion. This project is ranked as one of the most cost-effective in the country and the Port Authority of Allegheny County has already completed a full funding grant agreement with the Federal Government.

The Pennsylvania Department of Transportation is also depending on the Airport Busway to provide an alternative to the Ft. Pitt Tunnel and Bridge which is the main Interstate 279 link between the city of Pittsburgh and the suburban area south of Pittsburgh. The tunnel is scheduled to be closed for renovation and PennDOT is depending on the Airport Busway to provide an alternative to this bridge which is one of the busiest traffic points in the city.

The Airport Busway began construction last year and is scheduled to be completed by 1997. Stopping this project at this point would be catastrophic for the city of Pittsburgh and the port authority. It would result in the waste of over \$184 million in previously approved Federal funds. This is hardly the way to safeguard the Federal taxpayer's money.

Mr. Chairman, I urge my colleagues to oppose the Smith-Chabot amendment.

The CHAIRMAN. All time has expired.

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

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

#### RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. SMITH] will be postponed.

Are there further amendments to title I?

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 24 offered by the gentleman from Ohio [Mr. LATOURETTE]; the unnumbered amendment offered by the gentleman from Pennsylvania [Mr. FOGLETTA]; finally, amendment No. 12, offered by the gentleman from Michigan [Mr. SMITH].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. LA TOURETTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. LATOURETTE] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 234, not voting 17, as follows:

[Roll No. 558]

AYES—183

Abercrombie	Gonzalez	Oliver
Ackerman	Gutierrez	Ortiz
Andrews	Hall (OH)	Owens
Baldacci	Hamilton	Oxley
Barcia	Harman	Pallone
Barrett (WI)	Hastert	Pastor
Barton	Hastings (FL)	Payne (NJ)
Bellenson	Hayworth	Peterson (FL)
Bereuter	Heineman	Petri
Bishop	Hinchey	Poshard
Blute	Hobson	Pryce
Bonior	Hoekstra	Quillen
Borski	Horn	Rahall
Brown (CA)	Hostettler	Rangel
Brown (FL)	Jackson-Lee	Reed
Brown (OH)	Jacobs	Regula
Bryant (TX)	Jefferson	Rivers
Bunn	Johnston	Rohrabacher
Burr	Kanjorski	Roth
Callahan	Kaptur	Roukema
Camp	Kelly	Royal-Allard
Canady	Kennedy (MA)	Rush
Cardin	Kennelly	Sanders
Clay	Kildee	Sawyer
Clayton	Kiecicka	Scarborough
Clyburn	Klink	Schumer
Collins (IL)	Lantos	Seastrand
Conyers	LaTourette	Sensenbrenner
Cooley	Lazio	Serrano
Costello	Levin	Shadegg
Creameans	Lewis (GA)	Shays
Cunningham	Lipinski	Smith (NJ)
DeFazio	LoBiondo	Smith (WA)
DeLauro	Lofgren	Solomon
Dellums	Longley	Souder
Deutsch	Lowey	Stokes
Dicks	Maloney	Studds
Dingell	Manton	Stupak
Doyle	Manzullo	Tate
Edwards	Markley	Tauzin
Ehlers	Mascara	Taylor (MS)
Ehrlich	Matsui	Thompson
Engel	McCormack	Torkildsen
English	McDermott	Torricelli
Eshoo	McHale	Traficant
Evans	McHugh	Velazquez
Farr	McIntosh	Vento
Fattah	McNulty	Visclosky
Fawell	Meehan	Walsh
Fields (LA)	Meek	Ward
Filner	Menendez	Waters
Flake	Metcalfe	Watt (NC)
Flanagan	Mfume	Waxman
Foglietta	Mink	Weldon (FL)
Forbes	Mollohan	Weller
Fox	Nadler	Williams
Frank (MA)	Neal	Wise
Frisa	Neumann	Wyden
Furse	Ney	Yates
Gejdenson	Oberstar	Young (AK)
Gilchrest	Obey	Young (FL)

NOES—234

Allard	Frost	Moran
Archer	Funderburk	Morella
Armey	Galleghy	Murtha
Bachus	Ganske	Myers
Baessler	Gekas	Myrick
Baker (CA)	Gephardt	Nethercutt
Ballenger	Geren	Norwood
Barr	Gibbons	Orton
Barrett (NE)	Gilman	Packard
Bartlett	Goodlatte	Parker
Bass	Goodling	Paxon
Becerra	Gordon	Payne (VA)
Bentsen	Goss	Pelosi
Berman	Graham	Peterson (MN)
Bevill	Green	Pickett
Bilirakis	Greenwood	Pombo
Billiey	Gunderson	Pomeroy
Boehler	Gutknecht	Porter
Boehner	Hall (TX)	Portman
Bonilla	Hancock	Quinn
Bono	Hastings (WA)	Radanovich
Boucher	Hayes	Richardson
Brewster	Hefley	Riggs
Browder	Hefner	Roberts
Brownback	Herger	Roemer
Bryant (TN)	Hilleary	Rogers
Bunning	Hoke	Ros-Lehtinen
Burton	Holden	Rose
Buyer	Houghton	Royce
Calvert	Hoyer	Sabo
Castle	Hunter	Salmon
Chabot	Hutchinson	Sanford
Chambliss	Hyde	Saxton
Chapman	Inglis	Schaefer
Chenoweth	Istook	Schiff
Christensen	Johnson (CT)	Scott
Chrysler	Johnson (SD)	Shaw
Clement	Johnson, E. B.	Shuster
Clinger	Johnson, Sam	Sisisky
Coble	Jones	Skaggs
Coburn	Kasich	Skeen
Coleman	Kennedy (RI)	Skelton
Collins (GA)	Kim	Slaughter
Combest	King	Smith (MI)
Condit	Kingston	Smith (TX)
Cox	Klug	Spence
Coyne	Knollenberg	Spratt
Cramer	Kolbe	Stearns
Crane	LaFalce	Stenholm
Crapo	LaHood	Stockman
Cubin	Largent	Stump
Danner	Latham	Talent
Davis	Laughlin	Tanner
de la Garza	Leach	Taylor (NC)
Deal	Lewis (CA)	Tejeda
DeLay	Lewis (KY)	Thomas
Diaz-Balart	Lightfoot	Thornberry
Dickey	Lincoln	Thornton
Dixon	Linder	Thurman
Dogett	Livingston	Tiahrt
Dooley	Lucas	Torres
Doolittle	Luther	Tucker
Dornan	Martinez	Upton
Dreier	Martini	Vucanovich
Duncan	McCarthy	Waldholtz
Dunn	McCrery	Walker
Durbin	McDade	Wamp
Emerson	McInnis	Watts (OK)
Ensign	McKeon	Weldon (PA)
Everett	Meyers	White
Ewing	Mica	Whitfield
Fazio	Miller (CA)	Wicker
Fields (TX)	Miller (FL)	Wilson
Foley	Mineta	Wolf
Fowler	Minge	Woolsey
Franks (CT)	Molinari	Wynn
Franks (NJ)	Montgomery	Zeliff
Frelinghuysen	Moorhead	Zimmer

NOT VOTING—17

Baker (LA)	Hansen	Reynolds
Bateman	Hilliard	Schroeder
Bilbray	McKinney	Stark
Collins (MI)	Moakley	Towns
Ford	Nussle	Volkmer
Gillmor	Ramstad	

□ 2003

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Bilbray against.  
Ms. McKinney for, with Mr. Nussle against.

Messrs. GENE GREEN of Texas, KENNEDY of Rhode Island, WELDON of Pennsylvania, BENTSEN, WHITE, BOEHLERT, MARTINEZ, and HEFLEY changed their vote from "aye" to "no."

Messrs. MANZULLO, PETRI, QUILLLEN, JEFFERSON, GONZALEZ, DEUTSCH, and WARD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. FOGLIETTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the unnumbered amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 295, not voting 17, as follows:

[Roll No. 559]

AYES—122

Andrews	Goodling	Oliver
Barrett (WI)	Greenwood	Owens
Becerra	Hall (OH)	Pallone
Bellenson	Harman	Pastor
Berman	Hastings (FL)	Payne (NJ)
Bishop	Hinchey	Pelosi
Blute	Horn	Peterson (MN)
Bonior	Houghton	Reed
Bono	Hoyer	Rivers
Brown (CA)	Jefferson	Royal-Allard
Brown (FL)	Johnson (SD)	Rush
Brown (OH)	Johnson, E. B.	Sabo
Bryant (TX)	Kaptur	Sanders
Cardin	Kennedy (MA)	Sawyer
Castle	Kennedy (RI)	Schumer
Clay	Kildee	Serrano
Coleman	King	Shays
Collins (IL)	LaFalce	Skaggs
Conyers	Lazio	Spratt
DeFazio	Leach	Stokes
DeLauro	Lewis (GA)	Studds
Dellums	Linder	Thompson
Dooley	Lowey	Thornton
Ehlers	Luther	Thurman
Engel	Markley	Torkildsen
English	Martinez	Torricelli
Evans	Matsui	Traficant
Farr	McHale	Tucker
Fattah	McNulty	Velazquez
Fawell	Meehan	Vento
Fazio	Meek	Ward
Fields (LA)	Menendez	Watt (NC)
Filner	Mfume	Waxman
Flake	Mica	Weldon (PA)
Flanagan	Miller (CA)	Williams
Foglietta	Minge	Wilson
Fox	Morella	Wyden
Frank (MA)	Nadler	Wynn
Furse	Neal	Yates
Gilman	Ney	Zimmer
Gonzalez	Obey	

NOES—295

Abercrombie	Franks (CT)	Miller (FL)
Ackerman	Franks (NJ)	Mineta
Allard	Frelinghuysen	Mink
Archer	Frisa	Molinari
Arney	Frost	Mollohan
Bachus	Funderburk	Montgomery
Baesler	Gallely	Moorhead
Baker (CA)	Ganske	Moran
Baldacci	Gejdenson	Murtha
Ballenger	Gekas	Myers
Barcia	Gephardt	Myrick
Barr	Geren	Nethercutt
Barrett (NE)	Gibbons	Neumann
Bartlett	Gilchrest	Norwood
Barton	Goodlatte	Oberstar
Bass	Gordon	Ortiz
Bentsen	Goss	Orton
Bereuter	Graham	Oxley
Bevill	Green	Packard
Bilirakis	Gunderson	Parker
Billey	Gutierrez	Paxon
Boehlert	Gutknecht	Payne (VA)
Boehner	Hall (TX)	Peterson (FL)
Bonilla	Hamilton	Petri
Borski	Hancock	Pickett
Boucher	Hastert	Pombo
Brewster	Hastings (WA)	Pomeroy
Browder	Hayes	Porter
Brownback	Hayworth	Portman
Bryant (TN)	Hefley	Poshard
Bunn	Hefner	Pryce
Bunning	Heineman	Quillen
Burr	Herger	Quinn
Burton	Hilleary	Radanovich
Buyer	Hobson	Rahall
Callahan	Hoekstra	Rangel
Calvert	Hoke	Regula
Camp	Holden	Richardson
Canady	Hostettler	Riggs
Chabot	Hunter	Roberts
Chambliss	Hutchinson	Roemer
Chapman	Hyde	Rogers
Chenoweth	Inglis	Rohrabacher
Christensen	Istook	Ros-Lehtinen
Chrysler	Jackson-Lee	Rose
Clayton	Jacobs	Roth
Clement	Johnson (CT)	Roukema
Clinger	Johnson, Sam	Royce
Clyburn	Johnston	Salmon
Coble	Jones	Sanford
Coburn	Kanjorski	Saxton
Collins (GA)	Kasich	Scarborough
Combest	Kelly	Schaefer
Condit	Kennelly	Schiff
Cooley	Kim	Scott
Costello	Kingston	Seastrand
Cox	Kleczka	Sensenbrenner
Coyne	Klink	Shadegg
Cramer	Klug	Shaw
Crane	Knollenberg	Shuster
Crapo	Kolbe	Sisisky
Creameans	LaHood	Skeen
Cubin	Lantos	Skelton
Cunningham	Largent	Slaughter
Danner	Latham	Smith (MI)
Davis	LaTourette	Smith (NJ)
de la Garza	Laughlin	Smith (TX)
Deal	Levin	Smith (WA)
DeLay	Lewis (CA)	Solomon
Deutsch	Lewis (KY)	Souder
Diaz-Balart	Lightfoot	Spence
Dickey	Lincoln	Stearns
Dicks	Lipinski	Stenholm
Dingell	Livingston	Stockman
Dixon	LoBiondo	Stump
Doggett	Lofgren	Stupak
Doolittle	Longley	Talent
Dornan	Lucas	Tanner
Doyle	Maloney	Tate
Dreier	Manton	Tauzin
Duncan	Manzullo	Taylor (MS)
Dunn	Martini	Taylor (NC)
Durbin	Mascara	Tejeda
Edwards	McCarthy	Thomas
Ehrlich	McCollum	Thornberry
Emerson	McCrery	Tiahrt
Ensign	McDade	Torres
Eshoo	McDermott	Upton
Everett	McHugh	Visclosky
Ewing	McInnis	Vucanovich
Fields (TX)	McIntosh	Waldholtz
Foley	McKeon	Walker
Forbes	Metcalf	Walsh
Fowler	Meyers	Wamp

Waters	Whitfield	Young (AK)
Watts (OK)	Wicker	Young (FL)
Weldon (FL)	Wise	Zeliff
Weller	Wolf	
White	Woolsey	

NOT VOTING—17

Baker (LA)	Hansen	Reynolds
Bateman	Hilliard	Schroeder
Bilbray	McKinney	Stark
Collins (MI)	Moakley	Towns
Ford	Nussle	Volkmer
Gillmor	Ramstad	

□ 2012

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for with Mr. Bilbray against.  
Ms. McKinney for with Mr. Nussle against.

Messrs. GEJDENSON, JOHNSTON of Florida, CONDIT, ZELIFF, and HEFNER changed their vote from "aye" to "no."

Ms. ROYBAL-ALLARD and Mr. FARR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 12 offered by the gentleman from Michigan [Mr. SMITH], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 302, not voting 18, as follows:

[Roll No. 560]

AYES—114

Allard	Cooley	Herger
Andrews	Cox	Hilleary
Archer	Crapo	Hoekstra
Arney	Creameans	Holden
Bachus	Cubin	Hostettler
Barcia	Doolittle	Inglis
Barrett (WI)	Duncan	Istook
Barton	Dunn	Jacobs
Bass	Ensign	Johnson (SD)
Bereuter	Everett	Jones
Boehner	Fields (TX)	Kasich
Brownback	Funderburk	Klug
Bryant (TN)	Goodlatte	Kolbe
Burr	Gordon	Largent
Burton	Goss	Latham
Buyer	Graham	Leach
Camp	Hall (TX)	Lincoln
Chabot	Hamilton	Longley
Chambliss	Hancock	Luther
Chenoweth	Hastings (WA)	McHale
Christensen	Hayworth	McInnis
Coburn	Hefley	McIntosh

McNulty	Riggs	Stump
Metcalf	Roberts	Tate
Meyers	Rohrabacher	Taylor (MS)
Miller (FL)	Roth	Taylor (NC)
Minge	Royce	Thornberry
Myrick	Salmon	Thornton
Nethercutt	Sanford	Tiahrt
Neumann	Scarborough	Upton
Ney	Seastrand	Walker
Norwood	Sensenbrenner	Wamp
Obey	Shadegg	Ward
Parker	Shays	Watts (OK)
Paxon	Smith (MI)	White
Peterson (MN)	Smith (WA)	Whitfield
Petri	Souder	Wicker
Portman	Stockman	Zeliff

NOES—302

Abercrombie	Ehlers	Klink
Ackerman	Ehrlich	Knollenberg
Baesler	Emerson	LaFalce
Baker (CA)	Engel	LaHood
Baldacci	English	Lantos
Ballenger	Eshoo	LaTourette
Barr	Evans	Laughlin
Barrett (NE)	Ewing	Lazio
Bartlett	Farr	Levin
Becerra	Fattah	Lewis (CA)
Bellenson	Fawell	Lewis (GA)
Bentsen	Fazio	Lewis (KY)
Berman	Fields (LA)	Lightfoot
Bevill	Filner	Linder
Bilirakis	Flake	Lipinski
Bishop	Flanagan	Livingston
Billey	Foglietta	LoBiondo
Blute	Foley	Lofgren
Boehlert	Forbes	Lowe
Bonilla	Fowler	Lucas
Bonior	Fox	Maloney
Bono	Frank (MA)	Manton
Borski	Franks (CT)	Manzullo
Boucher	Franks (NJ)	Markey
Brewster	Frelinghuysen	Martinez
Browder	Frisa	Martini
Brown (CA)	Frost	Mascara
Brown (FL)	Furse	Matsui
Brown (OH)	Gallely	McCarthy
Bryant (TX)	Ganske	McCollum
Bunn	Gejdenson	McCrery
Bunning	Gekas	McDade
Callahan	Gephardt	McDermott
Calvert	Geren	McHugh
Canady	Gibbons	McKeon
Cardin	Gilchrest	Meehan
Castle	Gilman	Meek
Chapman	Gonzalez	Menendez
Chrysler	Goodling	Mfume
Clay	Green	Mica
Clayton	Greenwood	Miller (CA)
Clement	Gunderson	Mineta
Clinger	Gutierrez	Mink
Clyburn	Gutknecht	Molinari
Coble	Hall (OH)	Mollohan
Coleman	Harman	Montgomery
Collins (GA)	Hastert	Moorhead
Collins (IL)	Hastings (FL)	Moran
Combest	Hayes	Morella
Condit	Hefner	Murtha
Conyers	Heineman	Myers
Costello	Hinches	Nadler
Coyne	Hobson	Neal
Cramer	Hoke	Oberstar
Crane	Horn	Olver
Cunningham	Houghton	Ortiz
Danner	Hoyer	Orton
Davis	Hunter	Owens
de la Garza	Hutchinson	Oxley
Deal	Hyde	Packard
DeFazio	Jackson-Lee	Pallone
DeLauro	Jefferson	Pastor
DeLay	Johnson (CT)	Payne (NJ)
Dellums	Johnson, E. B.	Payne (VA)
Deutsch	Johnson, Sam	Pelosi
Diaz-Balart	Johnston	Peterson (FL)
Dickey	Kanjorski	Pickett
Dicks	Kaptur	Pombo
Dingell	Kelly	Pomeroy
Dixon	Kennedy (MA)	Porter
Doggett	Kennedy (RI)	Poshard
Dooley	Kennelly	Pryce
Dornan	Kildee	Quillen
Doyle	Kim	Quinn
Dreier	King	Radanovich
Durbin	Kingston	Rahall
Edwards	Kleczka	Rangel

Reed	Skeen	Velazquez
Regula	Skelton	Vento
Richardson	Slaughter	Viscosky
Rivers	Smith (NJ)	Vucanovich
Roemer	Smith (TX)	Waldholtz
Rogers	Spence	Walsh
Ros-Lehtinen	Spratt	Waters
Rose	Stearns	Watt (NC)
Roukema	Stenholm	Waxman
Roybal-Allard	Stokes	Weldon (FL)
Rush	Studds	Weldon (PA)
Sabo	Stupak	Weller
Sanders	Talent	Williams
Sawyer	Tanner	Wilson
Saxton	Tauzin	Wise
Schaefer	Tejeda	Wolf
Schiff	Thomas	Woolsey
Schumer	Thompson	Wyden
Scott	Thurman	Wynn
Serrano	Torkildsen	Yates
Shaw	Torres	Young (AK)
Shuster	Torricelli	Young (FL)
Siskiy	Trafcant	Zimmer
Skaggs	Tucker	

## NOT VOTING—18

Baker (LA)	Hansen	Reynolds
Bateman	Hilliard	Schroeder
Bilbray	McKinney	Solomon
Collins (MI)	Moakley	Stark
Ford	Nussle	Towns
Gillmor	Ramstad	Volkmer

□ 2020

The Clerk announced the following pair:

On this vote:

Mr. Nussle for with Ms. McKinney against.

Mr. WATTS of Oklahoma and Mr. TAYLOR of Mississippi changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

## AMENDMENT OFFERED BY MS. DANNER

Ms. DANNER. Mr. Chairman, I offer an amendment, amendment No. 21.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DANNER: Page 25, line 25, strike "\$2,000,000,000" and insert "\$1,974,000,000".

Page 26, line 1, before the colon insert "and \$26,000,000 of budget authority shall be available solely for purposes of 49 U.S.C. 5311".

The CHAIRMAN. Does the gentleman from Virginia reserve his point of order or insist upon his point of order?

Mr. WOLF. Mr. Chairman, I reserve the point of order and will allow the gentleman an opportunity to discuss her amendment.

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

Mr. Chairman, my amendment is designed to restore funding for rural transit assistance programs to fiscal year 1995 levels. This can be done in a deficit-neutral way, which will have a minimal effect on other transit funding.

Under this proposal, Congress would reduce the \$2 billion transit formula

grant by \$26 million, which would be added to the section 18 allocation. The remaining funds would then be distributed according to the bill's formula.

Today, there are roughly 1,200 rural transit agencies that would benefit from this amendment. These agencies operate in 316 Congressional districts across our Nation and their service area encompasses 53 million people.

While rural transit programs receive Federal funds, the money is distributed to the States, which are then given the authority to design and manage their own programs. This allows rural transit providers, many of whom are independent contractors, to administer their programs without the large bureaucracies many transit agencies develop.

In my home state of Missouri, there are 30 rural transit providers, who operate in 98 percent of the States' counties. These providers include, among others, the OATS system—formerly known as the Older Adult Transportation System. Last year, in the State of Missouri, OATS provided more than 1 million one-way trips in their vans and busses, transporting 21 thousand people more than 5 million miles. This was achieved with only \$11,140 in section 18 Federal operating assistance.

To me, this is an example of the true role of government—finding cost-efficient ways to improve the standard of living and freedom of our Nation's citizens.

Some of those in Congress may question why rural transit should be singled out. It is important to do so because rural transit is far more dependent on Federal subsidies than other transit programs. Rural transit depends on Federal funding for 24 percent of the operating budget. While many larger transit agencies can absorb the large cuts proposed in this bill, rural transit is in a far more precarious position.

In addition, section 18 programs are given far less Federal Transit Administration assistance. On a per-capita basis, FTA assistance in rural areas is the equivalent of \$1.50 per user, as compared with more than \$35 per user in our largest cities. Yet, for those in rural areas who are unable to drive, public transportation is often their only opportunity to perform vital tasks most of us take for granted, such as grocery shopping or visiting the doctor.

It is also important that we look at who depends upon rural transit.

The people who use rural transit are older Americans, people with disabilities and the rural poor who cannot afford a car of their own. In a rural setting, these people simply have no alternative except to rely on rural transportation programs. Transit systems exist to serve people such as those I have just mentioned. It is unwise and unfair to exclude citizens from transportation

services simply because of where they live.

Although this amendment is subject to a point of order, I hope that my colleagues will remember and consider the importance of rural transportation to millions of our citizens.

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

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the amendment offered by the distinguished gentlewoman from Missouri [Ms. DANNER].

This amendment would restore funding to fiscal year 1995 levels and help correct some of the current funding inequities which disadvantage rural transit programs. Without the funding called for in this amendment, many rural transit agencies would be forced to deal with steep reductions in service and face enormous financial obstacles just to survive. Relief is clearly needed to ensure that residents in rural areas are not isolated due to a lack of access to transit.

Rural residents currently receive a disproportionately small share of transit funding, despite the significant need for such assistance. The amendment helps close this substantial gap and ensures that rural residents receive a more fair share of the transit dollars.

Clearly, rural transit agencies are much more dependent on Federal assistance than those in urban areas. Unfortunately, the proposed reductions would have an immediate and detrimental effect on many of these rural transit agencies which often provide vital transit service for many individuals, including the elderly and the disabled.

This Member urges support for this important amendment which would offer some much needed assistance to America's rural residents.

## POINT OF ORDER

Mr. WOLF. Mr. Chairman, I believe that the amendment offered by the gentlewoman from Missouri is subject to a point of order as it violates clause 2, rule XXI of the House.

The effect of the Danner amendment would be to set aside \$26 million for transit assistance in contradiction to ISTEA. The authorizing legislation stipulates certain amounts derived by percentage of the total amount provided for transit formula grants are to be made available for urbanized areas, elderly, and the handicapped and rural transit assistance. Under ISTEA, 5.5 percent of the funds made available for transit formula grants are for rural transit assistance. The effect of the Danner amendment would be to provide \$26 million solely for rural transit systems right off the top before any set-asides were derived.

This amendment would thereby negate the discretion afforded the Secretary of the Department of Transportation under the authorizing legislation.

Mr. Chairman, the Danner amendment amends, goes beyond, perfecting legislative provisos permitted to remain and constitutes legislating on an appropriations bill, and for this reason we raise the point of order.

The CHAIRMAN. The gentleman raises the point of order.

Does the gentlewoman from Missouri wish to be heard on the point of order?

Ms. DANNER. No. I will accede to the ruling of the Chair, Mr. Chairman.

The CHAIRMAN. Does the gentlewoman wish to have a ruling of the Chair?

Ms. DANNER. Yes, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule.

The amendment fences \$26 million within an aggregate limit of \$2 billion in budget authority to be available solely for a specified object. Because no authorization in law supports such a mandatory earmarking and because the funds affected are distributed under formula in law contrary to that earmarking, the point of order is sustained.

Are there further amendments to title I?

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA: On line 14 of page 14 of the bill, strike "\$143,000,000" and insert in lieu thereof "\$147,000,000";

On line 19 of page 13 of the bill, strike "\$2,000,000,000" and insert in lieu thereof "\$1,990,000,000"; and

On line 20 of page 13 of the bill, strike "\$1,784,000,000" and insert in lieu thereof "\$1,774,000,000".

The CHAIRMAN. The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA] for 7½ minutes in support of her amendment.

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

My amendment would increase funding for environment and energy research at the FAA by \$4 million, and it would reduce the Federal Aviation Administration funding for the terminal Doppler weather radar by \$10 million to offset the increase.

Now, the reason the figures are different—\$4 million versus \$10 million—they are different in order to make the amendment outlay neutral. My amendment would restore funds for vitally needed area research at the FAA, one which the reported bill cuts by 80 percent.

As chairwoman of the authorization subcommittee over this research, I would hope that a higher level of funding could be accommodated, so my offset would reduce funds for a system that was not requested by the FAA.

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

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I agree with the gentlewoman that the FAA's environmental and energy-related research has been hit hard in this bill.

We had to make some very difficult choices, and this was one of them. The gentlewoman from Maryland has discussed her amendment with me. I would hope that if she would consider withdrawing her amendment, I will commit to her that I will attempt to find \$1 to \$1.5 million in additional funding for these research activities in conference with the Senate later this year.

I am concerned that a proposed offset to terminal doppler weather radar, which is the big issue that we discussed on the Foglietta amendment, would undermine safety since it is a safety-related system and no one in the body wants to undermine safety.

Therefore, I pledge to the gentlewoman that I will work with her to increase funding for this research in the conference.

Mrs. MORELLA. Mr. Chairman, the words of the chairman of the subcommittee have always been very truthful and so I thank him for his pledge and the comments of the gentleman from Virginia.

With those assurances, I will withdraw my amendment. Before I do, I want to also thank others who have supported this amendment, the gentleman from Virginia [Mr. MORAN], the gentleman from New York [Mr. SCHUMER], and the gentleman from New York [Mr. MANTON].

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

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, the amendment is a very good one. As the chairman of the Appropriations Subcommittee knows, and I think it is supported by the ranking member of the subcommittee as well, it is fiscal constraints that is the only reason why it cannot be through, but I know that when the gentleman from Virginia [Mr. WOLF] says he is going to do something, he comes through. We are confident that he will in this case as well.

Again, we encourage him to find money in the conference for this activity. I very much applaud and appreciate the fact that my good friend from Maryland has raised the amendment.

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

Mrs. MORELLA. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, let me just say to the gentlewoman, I agree with the chairman that we should attempt to find the funds for this kind of activity. As a matter of fact, I think the gentlewoman's amendment, as originally crafted, you got it from exactly the right place so the chairman himself took \$60 million out of that F&E account of unobligated dollars. It was not incorrect for you to do it. I am sure that the chairman's commitment perhaps to find the \$4 million somewhere else would be well spent or from

that very same account. I would agree with the chairman, if he were to do that.

I thank the gentlewoman for her well-thought-out amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman, the ranking member, for his comments on that. The authorization was like \$8.5 million and only \$1 million was funded. I will rely on the pledge made by the distinguished chairman of the committee. I thank him very much for that.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Chairman, the reason I asked to do that, Mr. Chairman, is that I want to engage the chairman of the subcommittee, the gentleman from Virginia, in a colloquy.

Mr. Chairman, the Montgomery County Airpark is Maryland's fourth busiest airport. The airpark is a reliever airport with 108,000 annual landings and takeoffs. It is also a center for medical and humanitarian services.

I think the gentleman is probably aware of that.

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

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I am. And I am aware of the many commuter flights. Quite frankly, I know that it takes a lot of flights in there, that if it was not in operation, they would all go into National and create many, many noise problems. I am aware of the use of the Montgomery airport.

Mrs. MORELLA. Mr. Chairman, the runway at the airpark is deteriorating. In fact, the airport has been ordered to reconstruct rather than resurface the runway. It only has one runway. The soil underneath the runway is eroding and deep large holes dot the landing strip, creating a safety risk.

The airpark is self-supporting, does not depend on taxpayers dollars for its daily operations.

However, like small airports across the country that cannot raise funds from user fees, the Montgomery Airpark must rely on the Federal Aviation Administration's airport improvement project to fund major construction projects.

Unfortunately, for 3 consecutive years, the much-needed funding, a very small amount, for the runway has been denied by the FAA because for the past 2 program years, the legislative level of AIP funding has been reduced considerably, at least that is what was sent to me in a letter.

The FAA says that all AIP funds for fiscal year 1995 have been assigned.

Mr. WOLF. Mr. Chairman, if the gentlewoman will continue to yield, in the

transportation appropriations bill for fiscal year 1996, funding for the AIP has been increased by 10 percent, from 1.4 to 1.6 billion. The question is, how much does the airport need to restructure the runway?

Mrs. MORELLA. I thank the gentleman for clarifying that statement. The runway reconstruction will cost \$1.6 million and the project is ready to proceed immediately. The gentleman said \$1.6 billion has been appropriated. This airport would require \$1.6 million. It is my understanding that the runway project could still be funded, as a matter of fact, out of fiscal year 1995 AIP funds.

Mr. WOLF. Mr. Chairman, I agree that this is a necessary and worthwhile project. I will encourage the FAA to consider funding it. We can have a meeting next week. Quite frankly, if they cannot take it out of this year, which I think they may actually be able to find the money from this year, certainly I see no reason why they could not take it out of next year. I would be glad to meet with them and with the gentlewoman.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman. I urge my colleagues to support the Transportation Appropriations Act.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FILNER: Page 17, line 8, strike "\$18,000,000,000" and insert "\$17,990,000,000".

Page 23, line 14, strike the colon and all that follows through "1996" on line 15.

Page 23, after line 15, insert the following: In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of new loan guarantee commitments under section 511 of such Act, \$10,000,000.

The CHAIRMAN. The gentleman from California [Mr. FILNER] is recognized for 7½ minutes.

Mr. FILNER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I intend to ask unanimous consent for withdrawing my amendment but I want to engage the chairman of the Committee on Appropriations Subcommittee on Transportation in a brief colloquy about a critical component of our Nation's infrastructure—our regional and short line railroads.

I am joined in this effort to highlight the importance of the section 511 Loan Guarantee Program by colleagues in various regions of our Nation.

We believe that the section 511 Railroad Loan Guarantee Program is a wise investment in our infrastructure. This loan guarantee program is authorized under section 511 of the Railroad Revitalization Act of 1976.

Historically, our investment in road and highways, airports, seaports, and railroads has been responsible for creating the most advanced and efficient economy in the history of the world. The 511 program can help an important segment of our transportation system that has been largely left out of infrastructure investment programs.

A very modest investment of about 5 percent of a total loan amount is all that is required of the Government to guarantee these loans. An appropriation of \$10 million will, therefore, generate a \$200 million investment in our railroads.

The program also contains no earmarks. Small rail lines throughout America—lines such as the San Diego and Arizona Eastern Railroad—will be able to apply for these loans to rebuild important infrastructure.

These section 511 loan guarantees represent the type of public/private partnership this Congress should encourage.

For a small investment, we can rehabilitate important rail lines, ease congestion, and provide jobs. Best of all, these are not grants—they are loans which will be repaid. The repayment history on this program is excellent.

Mr. Chairman, I would hope that the gentleman from Virginia would join me in a colloquy.

Mr. Chairman, as you may know, many of our regional and short line railroad lines—which are still a vital element of our commercial infrastructure—often find it difficult to obtain private financing for rail line improvements. These private loans are either short-term or their interest rates are too high to make this type of investment prohibitive. I believe that the Section 511 program—because it is a loan program that must be repaid, and because it is leveraged at 20-to-1—is precisely the type of infrastructure investment program that this Congress should promote.

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

Mr. FILNER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I concur that these loan guarantees have proven to be reliable and can be a cost-effective and wise use of Federal transportation dollars.

Mr. FILNER. Mr. Chairman, I would hope that the gentleman would favorably consider appropriating funds for this program, if the Senate includes funding for Section 511 railroad loan guarantees in their bill.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from California and our other colleagues for bringing this important transportation investment program to the attention of the House.

As the gentleman knows, the proposal to revitalize the loan guarantee program was not ready in time to be

included in the committee markup. However, I can assure the gentleman that I am sensitive to the needs of our regional and short line rail lines. I will certainly consider funding the 511 loan guarantee program, if it is brought before a House-Senate conference.

Mr. FILNER. Mr. Chairman, I thank the gentleman for those comments.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I thank the gentleman for the opportunity to speak about a program vitally important to the railroads in the Second District of Oregon—the Section 511 Railroad Loan Guarantee Program.

Railroad operators have difficulty securing private sector loans for construction because half of the construction costs go to labor, and the resulting railroad is not attractive collateral for banking interests.

However, I represent an area dependent on agriculture and natural resources and we rely on efficient transportation of our goods. For many businesses, this means shipping along the Siskiyou Summit rail line running north to south in southern Oregon.

The Section 511 Loan Guarantee Program would allow this railroad to construct much-needed repair to its track and tunnels.

In an age of fiscal responsibility, it is important to note that these loans will be paid back to the Federal Government. In fact, the Congressional Budget Office has reported that \$10 million for the section 511 program will result in \$200 million in available loans for needy railroads.

I urge the chairman to fight for this worthy program when this bill goes to the conference committee.

Mr. FILNER. Mr. Chairman, I yield 2 minutes the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Chairman, I also support the gentleman's efforts to continue funding for the Section 511 Loan Guarantee Program. Currently, the Toledo, Peoria and Western Railroad provides much needed rail freight transportation service from Fort Madison, IA, across central Illinois and into Indiana. In Peoria and central Illinois it provides our shippers with important connections to Illinois Central, Burlington Northern/Santa Fe, CSX, Union Pacific, Conrail, and several regional rail carriers. Unfortunately the TP&W is in financial distress. It is my understanding that a successful New York operator of small railroads is attempting to purchase the TP&W. The railroad needs modern locomotive power and track rehabilitation. The buyer is having difficulty convincing private financial institutions to back the total project. It would be a tragedy for this railroad's distress caused a domino effect on its customers and other regional rail carriers in the area. A loan

guarantee under the proposal being put forward by Congressman FILNER and Chairwoman MOLINARI, of \$11 million would allow an acquisition and rehabilitation of the TP&W.

Mr. FILNER. Mr. Chairman, I thank the gentlemen for their participation. I look forward to working with them to make this happen.

I would like to just point out to the Chair that for the \$10 million appropriations that would leverage \$200 million worth of loan guarantees, we can open a \$7 million rail line, with \$7 million we can open a rail line from Campo to El Centro in California. As Mr. LAHOOD stated, for \$11 million we can guarantee to preserve and improve rural freight service on the Toledo, Peoria and Western. We can, for \$3 million, guarantee a project for rehabilitation of a bridge over the Ohio River. For \$13 million, we can make capital improvements and debt restructuring for projects in Maine and New Hampshire; \$10 million will guarantee a project to improve service in the Upper Peninsula of Michigan; \$30 million beyond will make sure that the State of Missouri gets short line railroad improvements. We heard about what \$5 million can do for the Siskiyou Summit rail line in Oregon, and finally \$10 million would guarantee track rehabilitation in western South Dakota.

Mr. Chairman, I think these are worthwhile projects. I know the chairman will be looking at possible funding of this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

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

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 27, line 9, strike "\$1,665,000,000" and insert "\$1,572,100,000".

Page 27, line 16, strike "\$666,000,000" and insert "\$573,100,000".

Page 27, strike lines 22 through 25.

Page 28, strike lines 3 through 6.

Page 28, strike lines 15 and 16.

Page 28, strike lines 21 through 24.

Page 29, strike lines 3 and 4.

Page 29, strike lines 7 and 8.

Page 29, strike lines 13 and 14.

Page 29, strike lines 21 through 24.

Page 30, strike lines 1 through 6.

Mr. SMITH of Michigan (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 Michigan?

There was no objection.

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The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] will be recognized for 7½ minutes on behalf of his amendment, and the gentleman from Virginia [Mr. WOLF] will be recognized for 7½ minutes.

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

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, we could call this a revised Smith-Chabot amendment. It is an amendment that negates every person that got up and spoke against the first amendment, because this places a 1-year moratorium on funding for only those fixed guideway mass transit projects, the subways and the el's, that do not have a full funding grant agreement, an FFGA, or have not reached a final design phase. It saves \$92.9 million.

The Department of Transportation says that mass transit costs for existing systems range from \$4,800 to \$17,000 per rider. Our goal is to conserve energy. Our goal is to help people move into where they want to move. The fact is that these fixed guideways, these fixed rail systems, are not used by the poor people, they are not used by the elderly, because they have chosen, according to the Congressional Research Service, to use automobiles because it places them at a disadvantage in the beginning point, the fixed beginning point, and the fixed ending point.

According to DOT, a new mass transit is not cost-justified unless it costs less than \$6 per rider per trip. The average cost per rider per trip for the 15 projects that this amendment would put on hold is \$10.50. The fares are expected to make up no more than \$2 of the cost. That means some taxpayer someplace, either paying taxes to the Federal Government or paying taxes to local government, is going to have to make up the difference between the \$10.50 and the \$2.

The President requested in this budget funding for just 12 new starts, yet the Committee on Appropriations proposes funding for 30 new starts. The revised amendment would allow further study of these projects before committing Federal funding. Mr. Chairman, I would like to commend the members of this subcommittee of the Committee on Appropriations because they have done wonderful things with this proposal that they have brought to the floor. There are no longer the pork barrel projects for demonstration projects. I am delighted, the American taxpayers are delighted.

I am simply offering amendments that hopefully will fine tune this bill and save taxpayers even more money, or instead, maybe put this money to improve some of the highway systems, some of the local bridge needs, in the United States, as opposed to starting new mass transit subway systems that are going to be so inefficient and cost so many American dollars, not only to build but to subsidize in the future.

Mr. DEFAZIO. Mr. Chairman, the Central Oregon and Pacific operates in my Oregon congressional district. The railroad also has informed me that it would seek a \$10 million loan guarantee to rehabilitate the Coos Bay Railroad Bridge, if this program were continued. The Coos Bay Railroad Bridge is the line between Coos Bay and Eugene—including all points east, north, and south—and at present, the railroad hauls over 10,000 cars per year over the bridge. During the Southern Pacific's ownership of the bridge, it threatened to abandon service over this line due to the condition of the bridge. The Central Oregon and Pacific would like to continue service to and from Coos Bay, but to do so, the Coos Bay Bridge needs major rehabilitation. The railroad has pledged \$600,000 to the project, if Federal loans money is available, and the State of Oregon plans to assist in the funding.

If the railroad bridge were to fail, all of the traffic to and from Coos Bay would be diverted to the highway. This would put the existing highway bridge under enormous pressure. A lone guarantee to a private company is preferable to tens of millions of dollars in highway grants funds to rebuild highway infrastructure.

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

Mr. Chairman, I rise in opposition to the amendment, but let me just say I do appreciate the gentleman from Michigan [Mr. SMITH] mentioning something that has not been mentioned. The fact is, I am going to just take a second, this bill has no highway demo projects. Had the gentleman not mentioned it, I was not going to say it, and it maybe would not even have been mentioned. It used to be, and it is the old thing in politics, "What have you done for me lately?"; we took them out, and nobody mentioned it, and I thank the gentleman for mentioning it.

Mr. Chairman, it is like what goes on in the Committee on Appropriations almost is irrelevant and does not count, and then we start when we come out with these bills. It used to be that we did not get a highway demo project unless someone was a certain powerful Member, or they did not get a project unless they served in a certain committee, or if they happened to be powerful and served in a certain committee and voted wrong, they did not get it.

So I appreciate the gentleman mentioning that, Mr. Chairman, because this has been a fairly significant reform. We have to not only look at what we are doing on the floor, but what we did in the committee.

Mr. Chairman, with regard to the gentleman's amendment, and I understand what he is doing, I rise in opposition. The amendment really, and this will be a revote, really seeks to reduce funds for transit new start projects by \$93 million, eliminating 15 projects.

The gentleman from Michigan suggested that these projects are new projects early in the planning and design phases of development. Mr. Chairman, all the projects proposed for deletion have received appropriations in

the past. In addition, funds of each of the projects in the amendment are made subject to authorization. The authorizing committee will review these projects, just as the Committee on Appropriations has done, but in the context of the national highway systems bill.

Mr. Chairman, I urge my colleagues to vote no on the Smith amendment, which deletes the following projects: Canton-Akron, Cincinnati-Northern Kentucky, DART, the Dallas North Rail, which is really an 80 percent local match, the Dallas Railtran, Los Angeles, San Diego, Memphis, New Orleans, Orange County, Sacramento, San Francisco BART, San Juan Treno Bano, Tampa-Whitehall, Wisconsin Central. We have already had a vote on a similar amendment, but it was defeated.

Mr. Chairman, I would urge a "no" vote on this. I want to thank the gentleman again for what he is trying to do, and also for mentioning the fact there are no highway demos in this bill. As long as blood pumps through my heart, I will do everything to make sure that when the bill comes back from conference, that there are no highway demos in, so that the Senators do not put it in, because I think we have done a good thing by removing them.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. COLEMAN].

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

Mr. Chairman, let me only say again, as I understand it, the gentleman understands that this amendment would eliminate \$93 million in funding for again, transit projects, what we just voted on a little bit ago, so I also rise in opposition to the amendment. I think it is important for everyone to understand that this amendment would negatively impact 15 mass transit projects in varying stages of development across the country.

Mr. Chairman, let me just give the Members the States in which this amendment would have an adverse effect: Ohio, Texas, Florida, Tennessee, Louisiana, New York, California, Illinois, and Wisconsin. Some of the projects, by the way, are authorized, so it is interesting also that we are now just going willy nilly about those that are authorized or not.

Let me only say in response to the comment by the gentleman from Virginia [Mr. WOLF], the comment about the highway demo projects, I pointed out a couple hours ago, Mr. Chairman, that he had indeed not included any highway demo projects in the appropriations bill, but I think it would be wrong for anyone to lead anybody astray on the issue of highway demonstration projects.

This appropriations bill, as we know, leaves intact so far, because of the

amendments that have been adopted or defeated, leaves intact 539 highway demonstration projects, so I would say to the chairman, it is still true, I guess, that those highway demonstration projects belong to who the people are. The gentleman chastised the previous Congress for suggesting or saying somewhere in the process that depending on if Members were on the right committee or who they were, Members were able to get a highway demo project. How did these 539 highway demo projects get in the authorization bill? Do Members have to be a member of the Committee on Transportation and Infrastructure? Do Members have to be somebody special or important to that committee?

Mr. Chairman, I think what we need to do is not criticize the past as much as some do, and maybe not hold up on pedestals the present as much as we sometimes do, because I am not at all proud of the fact that this House, in defeating the Foglietta amendment, refused, refused to say that 539 highway demo projects are bad. I think, by the way, a lot of people in the United States would disagree with that vote.

I understand the reasoning and the rationale for it, and there are Members that are very fearful that they will not be able to get projects in their congressional districts had they voted the other way on that particular amendment; but I would only suggest that once again, in closing, on this amendment, that we truthfully are doing just what we did before, they just reduced the number of projects that he seeks to delete. As a famous former President used to say, "There you go again."

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I thank my colleague, the gentleman from Virginia, for yielding me this time.

Mr. Chairman, I rise in opposition to this second amendment offered by the gentleman from Michigan [Mr. SMITH] and urge our colleagues to join both the authorizing committee and the Committee on Appropriations in opposing this amendment.

The first amendment offered by the gentleman from Michigan [Mr. SMITH] lost by a margin of 3 to 1, so I urge my colleagues to reject this essentially identical amendment by an equally wide margin. In some heavily congested corridors, such as those listed in this bill, the appropriate new transportation investment is a new start transit investment. We should not favor one new start project over another, as this amendment would do, but treat all projects equitably.

Mr. Chairman, our colleagues know that the authorizing and appropriations committees have not always agreed on every issue on this floor. Today we stand united in opposing this second Smith amendment, just as we

opposed the first amendment. Therefore, Mr. Chairman, we have already had this vote, and I urge our colleagues once again to reject this "us against them" philosophy embodied in the Smith amendment and vote against it.

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

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

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, all I can say, these are very, very important. One of the projects will save several lives, and if we strike it, lives will be lost.

The CHAIRMAN. All time has expired.

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

The amendment was rejected.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, inasmuch as our last amendment lost at a three to one rate, I will not call for a record rollcall on this, and hope that the committee, both the authorizing and the Committee on Appropriations, will consider it.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 24, strike lines 1 through 19.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] will be recognized for 7½ minutes in support of his amendment, and the gentleman from Virginia [Mr. WOLF] will be recognized for 7½ minutes.

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

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I rise to offer an amendment to eliminate funding for the high speed rail project. While the amount in this budget is \$15 million, this is a foot in the door for projects which, according to a GAO report, could cost as much as \$12 billion. Three copies of the executive summary are available at the desk for your review. The taxpayers would end up providing operating subsidies in the future in order to keep the projects solvent. Of the \$15 million in this bill, \$3 million goes to Michigan for developing a radio system for train traffic control in the Detroit-Chicago corridor. This corridor goes right through the heart of my district. I think it is important that with a debt approaching \$5 trillion that we be willing to cut nonessential programs in our own districts. While it would be nice to have this technology, the freight operators are working on a

similar technology on their own in the Pacific Northwest. In fact, another \$1 million in this bill is to have the State of Washington ensure that the system being developed by the private sector is compatible with what the Government-subsidized experiment is doing.

Another \$5 million in this bill goes to develop, in the Chicago-St. Louis corridor, a more advanced system of locating trains by global positioning and feeding that information to a central system. Again, the freight operators are already experimenting in this area on their own.

The budget committee recommended elimination of this project. The Heritage Foundation made elimination of this project one of its priorities in its rolling back Government analysis. Citizens for a Sound Economy supports its elimination. The reasoning behind these calls for elimination is threefold:

First, these projects will be exceedingly expensive. To upgrade the infrastructure along the Detroit-Chicago corridor just to get to a 3-hour travel time between Chicago and Detroit will cost more than \$700 million. Upgrading trains and track to achieve the lowest of the high speed range will cost, for a typical 200-mile corridor, more than \$11 million per mile.

Second, freight traffic in these corridors will be disrupted. To quote the GAO report mentioned earlier, "freight railroads believe that these improvements will generally provide few benefits for their freight operations." Freight companies do not want to be liable for collisions between 100 plus miles per hour passenger trains and slower moving freight trains. The GAO report states that freight companies want total indemnification from liability for passenger train accidents. In my district, Conrail has said that, if a high-speed rail corridor were built on the lines it runs between Detroit and Kalamazoo, it would sell that line, move traffic out of the corridor, and reserve a freight easement for some of the less-traveled time on the line. This would reduce the availability of freight service for some of Michigan's largest companies. The problems of 125 miles per hour passenger trains traveling with 60 miles per hour freight trains are evident. The fact that the freight operators will go so far as to turn over their lines in order to avoid the liability problems says that they feel the problems are not surmountable.

Third, the private sector has shown that these systems would not be able to compete with existing air, bus, and auto travel. Several GAO reports note that the private sector is unwilling to invest in any system without huge Government subsidy. What this means is that the resources that would be consumed in producing such a system are valued more in the production of other goods and services than they are in the production of a high-speed rail

system. We need to look at the opportunity cost of these systems; \$12 billion would provide a lot of services which are clearly more highly valued than a high-speed train, as witnessed by the fact that no one will put their own money into high-speed rail unless the Government guarantees the return.

Fourth, these systems are clearly regional, they are not a role for the Federal Government. There is no reason that taxpayers in Montgomery, AL should pay for someone in Michigan to ride a 125 miles per hour train instead of flying in an airplane or driving their car to get to their destination. In a time when we have a \$5 trillion Federal deficit, and unfunded liabilities in Social Security and Medicare of additional trillions, there is no good reason for the Federal Government to be involved in taxing the vast majority of Americans so that a few can travel by train instead of plane or car.

□ 2100

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

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

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 7½ minutes.

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

Mr. Chairman, I rise in strong opposition to the amendment which would strike all funding for high-speed rail. Again, try to go back and think what did these men and women do in the committee?

Well, the request was for \$35 million. We knocked it down to \$15 million, so we are not just starting with this as the beginning figure.

Second, the committee scrubbed the Federal Railroad Administration's high-speed rail budget. The recommended funding for this program is 133 percent below the administration's request, 40 percent less than the 1995 enactment level.

The program is designed to significantly improve, and I use the big S word, safety, if high-speed rail becomes a reality in the United States. Deleting all remaining funding for this program would be detrimental to a number of safety programs, such as removing highway rail grade crossing hazards, that the committee continued for funding albeit at a lower level.

Programs funded in fiscal 1995 have just begun. However, the full benefits of these programs such as train control demonstrations in Michigan—is anybody from Michigan other than Mr. SMITH opposed to it? I do not think so—and Illinois relies on fiscal year 1996 funding.

Not providing further appropriations will effectively end these programs before there are any achievable benefits. This will basically throw away funding both States and the Federal Govern-

ment have contributed, as well as the private investors.

Other States such as Florida, California, Oregon, Washington, and New York have also invested in high-speed rail. This amendment fails to consider these investments. High-speed rail service could alleviate the need for additional highway and airport safety which are increasing in difficulty and expensive to build. We have not built a new airport for a long while, and the one we built in Denver I think has been a big mistake, and one frankly the Congress probably should have reversed.

This program will make use of existing rail lines and does not require the expense of major new construction. Abolishing the program will add to the public cost of transportation as well as potentially increase traffic casualties.

There was a "Dear Colleague" letter that went around with regard to this. Just to answer that, first, funding of the high-speed rail program for corridor development will not be used to lay new track. The three corridor programs under way, which will run between Detroit and Chicago, Chicago and St. Louis, and Portland and Seattle, will operate over existing rail lines and rights-of-ways. No money will be used to lay new track.

Secondly, these corridors do not plan on operating at 150 miles per hour or higher. The trains will run at 110 and 125 miles per hour, which is significantly higher than the average 79 miles per hour that they currently operate. As such, the Government will not need to buy new land or lay new track to run at 150 miles per hour.

Third, the private sector is already investing in these programs. For example, on the Portland to Seattle corridor, Burlington Northern and Union Pacific are solely financing the upgrading of safety and signaling technology along the corridor. This program will cost \$20 million, and the Federal Government's role to evaluate and test will be \$3 million.

Fourth, State governments are participating in the development of these high-speed rail corridors. I would say that rail is important. The program has been cut dramatically from \$35 million down to \$15 million. I urge the Members to consider these points and vote against the amendment of the gentleman from Michigan [Mr. SMITH] to zero out high-speed rail programs.

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

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 15 seconds for a response.

Mr. Chairman, I would just like to say that the cost to finalize this project in the Detroit to Chicago would be \$700 million. Department of Transportation says no. The Federal Government will not pay for it. The taxpayers of the particular States that it goes

through are going to have to end up paying for it out of tax money or out of ISTEAMONEY.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member of the committee.

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

Let me just say that what it does, this amendment, is cut out all funding for any kind of research in the high-speed rail research and development program.

Let me say why that is really a bad idea. First of all, the GAO report was cited. I know exactly what the gentleman said. The problem with what the gentleman said was he did not read all of the report. I wanted to be sure we put into the record the rest of what the General Accounting Office said. I will quote from them.

The GAO recommends that the Secretary of Transportation, in addition to following through on research on low-cost grade crossing systems and on a high-speed non-electric locomotive, one, focus available Federal funds on a limited number of projects to ensure that combined Federal, State, and private funding is sufficient to move these projects to completion and, two, ensure that FRA, the Federal Railroad Administration, has the expertise to evaluate corridor development proposals to select those that could provide the most benefits.

What we are saying is, and I recognize all Americans say, "We can't afford it." America can no longer afford research and development. We cannot get on the cutting edge of any technologies. We cannot afford it. We are too poor as a country.

Well, that is just not so. A lot of us understand that by the proper utilization of our national resources, that we can indeed as a country continue to make progress, continue to move forward, continue to say something about new technologies. We are not going to have anything to say about that technology if we let only foreign countries get into the arena. Maybe that is what we say we have to do now, that America can't cut it anymore.

My side of the aisle does not believe that. My side of the aisle believes that we can do it, that we have got the men and women in the work force in the United States of America to do the job. That this country is not being punched around and kicked back on her heels simply because some people say we cannot afford research and development. We know we can.

I suggest a "no" vote on this amendment.

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

Mr. Chairman, it was part of the budget resolution that this body passed just a few weeks ago. The Heritage

Foundation made elimination of this project one of its priorities in its rolling back government analysis. Citizens for a Sound Economy support this amendment. The National Taxpayers Union is scoring this amendment. The problem is if we push through this body funding for high-speed rail and jeopardize the freight systems that are now operating in these areas, then I think we are giving a great disadvantage to our constituents in the long run.

These projects will be exceedingly expensive. To upgrade the infrastructure along the Detroit-Chicago corridor, for example, is going to cost over \$11 million per mile. That money is not going to come from the Federal Government according to the Department of Transportation. It is going to come from taxpayers, by the citizens, or it is going to come from funding out of their ISTEAMONEY that they are allocated.

Conrail, when I talked to them this afternoon, says that if high-speed rail goes in on the track they own, they want to sell that track and they will start transporting their freight from the Detroit area through Toledo to their main east-west corridor.

Freight traffic in these corridors will be disrupted. To quote the GAO report mentioned earlier, "Freight railroads believe that these improvements will generally provide few benefits for their freight operations, and freight companies do not want the liability for the collisions, even if it is only 120 or 125 miles an hour compared to their average 62 miles an hour."

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

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to this amendment. This is the amendment which would eliminate expenditures which are important to the future transportation needs of the country. It would essentially cripple, or hurt, an attempt to run a high-speed rail system from Detroit to Chicago to Milwaukee to St. Louis.

It is a program which affords great advantages to this country. It is a program which is supported by our Governor, a friend of my dear friend the gentleman from Michigan [Mr. SMITH]. It is a program which is geared at enabling this country to finally begin to move towards getting a good high-speed rail system for this country. It is not one which is going to add to the bureaucracy or the number of government employees. It is one that is going to be run by the people using this as seed money only.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan is recognized for 30 seconds.

Mr. SMITH of Michigan. Mr. Chairman, in summary, we have got to start someplace. Three hundred million dollars is not going to cripple the system. The system is going to end up costing \$700 million. The Federal Government is not going to pay for it.

I would just ask everybody in mass transportation, with the recommendation of the Committee on the Budget, that we phase out subsidies for all mass transportation, that we eliminate funding for high-speed rail. Localities and States better think very carefully before they start digging themselves a hole to obligate their future and their taxpayers' future.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. WALSH], a member of the committee.

The CHAIRMAN. The gentleman from New York is recognized for 1 minute.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Virginia [Mr. WOLF], the chairman, and the gentleman from Texas [Mr. COLEMAN], the ranking member, for their strong leadership in this area.

Mr. Chairman, this vote is critically important to New York State and the northeast corridor. I strongly urge a "no" vote on this amendment.

We have overcrowded airports in New York and in the northeast corridor. This is the best way to get people moved around. This has already been reduced from \$35 million to \$15 million. There is demonstrated support for high-speed rail in New York and in the rest of the northeast corridor. This is Governor Pataki's top appropriations legislative priority at the Federal level. I urge a strong vote in opposition to this amendment and a strong vote in support of high-speed rail.

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment by my fellow colleague from Michigan [Mr. SMITH]. I have been interested in high speed rail for many years because I believe wise investments in technology and transportation infrastructure pay off in economic development, job creation, and higher productivity.

I recognize the motive of the Smith amendment. In an era with record Federal deficits, we need to be fiscally prudent. However, by building on what we have, high speed rail is within reach. We need to encourage incremental improvements that will increase train speed: things like improving grade crossings, signal systems, tracks, and cost-efficient equipment and locomotion. We should target limited federal resources to a few deserving projects.

Improvements related to the high speed rail concept are already being implemented. Earlier this year in fact, the U.S. Department of Transportation awarded a \$6 million grant to the Michigan Department of Transportation [MDOT] for further safety and grade crossing improvements on a 71 mile stretch of rail in Michigan. These improvements will allow for an increase in speed along the route and will

reduce the amount of travel time. I strongly supported the State's application and have had many discussions with the Director of MDOT about this issue since Michigan has been a leader in this area.

High speed rail means more and better options for the travelling public, both business and pleasure, in the areas surrounding the station. High speed rail also provides a more balanced transportation network that reflects growing environmental and energy concerns.

Being from Michigan and thereby impacted by the Detroit and Chicago rail corridor, linking the third and fifth largest metropolitan areas, I have examined many reports regarding the feasibility and cost of high speed rail.

Many independent studies have shown that the Detroit-Chicago rail corridor is an excellent candidate for high speed rail. Significant economic and employment opportunities are expected to sprout along the route. Just last month, a group in Chicago—Environmental Law and Policy Center—released a study concluding that high speed rail is financially feasible and will create jobs throughout the Midwest.

As this country proceeds with high speed rail development, we need to move cautiously. We need to know what we are buying, who is paying for it, and what the benefits are. We also need to examine potential downsides and legitimate concerns about high speed, particularly safety and take the steps necessary to address those concerns.

Most people agree that it is more prudent to move in small, incremental steps as we develop the high speed rail system. I believe the committee's recommendation of \$15 million is a very prudent and appropriate level which will keep the effort moving forward to the benefit of our nation's infrastructure and the travelling public.

Therefore, I urge my colleagues to vote "no" on the Smith amendment.

Mr. MINETA. Mr. Chairman, I rise in opposition to the gentleman's amendment which strikes \$15 million from the High-Speed Rail Program.

Mr. Chairman, this practical program will reduce the cost and improve the safety and performance of high speed rail projects in the United States. It is specifically targeted at safe, economical, and environmentally-friendly all weather service by the year 2000 in selected corridors, in all areas of the Nation. Such service alleviates the need for additional highway and airport capacity which all Members know is increasingly difficult to obtain and very expensive.

Specifically, this program is targeted at supporting future and relatively modest upgrades for existing rail lines. These upgrades have been proposed by a number of States with congested intercity transportation corridors. In fact, there is a project now underway in Michigan, that is partially funded by the \$15 million, which will use new technology to provide high speed train control and significantly enhanced grade crossing safety at about half the cost of conventional methods beginning as early as 1996.

Mr. Chairman, the Federal role proposed here is to simply provide a technology base. It is unreasonable and uneconomical to expect 15 or 20 States to each undertake technology

development programs. Moreover, efforts are well coordinated with freight railroads to assure both practicality and ultimate ability to implement. Finally, an incremental approach minimizes risk to taxpayers and maximizes value.

Mr. Chairman, I oppose this amendment. In terms of technology advancement, it is a step backward and I urge a "no" vote.

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

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

#### RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. SMITH] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title I?

□ 2115

If not, the Clerk will designate title II.

The text of title II is 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, \$3,656,000: *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), \$38,774,000, of which not to exceed \$1,000 may be used for official reception and representation expenses.

##### EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, 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), \$160,802 to remain available until expended.

##### 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), \$13,379,000, of which \$4,984,000 shall be for severance and closing costs: *Provided*, That of the fees collected in fiscal year 1996 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701, one-twelfth of \$8,300,000 of those fees collected shall be made available for each month the Commission remains in existence during fiscal year 1996.

##### 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, \$50,741,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 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 \$19,500 per vehicle.

Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

#### 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

servicing 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 an Executive Level IV.

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. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

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 1996 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, 1995, 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 12 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;

(2) after August 1, 1996, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that

fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102-240;

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a), title 23 U.S.C., the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102-240, and 49 U.S.C. 5316, 5317, and 5338: *Provided*, That amounts made available under section 6005 of Public Law 102-240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head "Federal-Aid Highways" in this Act;

(d) During the period October 1 through December 31, 1995, 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 1108, 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 \$277,431,840.

(e) During the period August 2 through September 30, 1996, the aggregate amount which may be obligated by all States pursuant to paragraph (d) shall not exceed 2.5 per cent 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 1996 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1996, has the amount distributed to such State under paragraph (a) for fiscal year 1996 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. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 313. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 314. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 315. Funds received by the Research and Special Programs Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for reports' publication and dissemination may be credited to the Research and Special Programs account.

SEC. 316. 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. 317. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA 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 FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 318. 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. 319. 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. 320. 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.

SEC. 321. 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, 1998, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 322. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49 U.S.C., that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 323. 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.

SEC. 324. 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.

SEC. 325. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 326. None of the funds in this Act may be used to compensate in excess of 335 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1996.

SEC. 327. Funds provided in this Act for the Department of Transportation working capital fund (WCF) shall be reduced by \$10,000,000, which limits fiscal year 1996 WCF obligational authority for elements of the Department of Transportation funded in this Act to no more than \$92,231,000. *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the working capital fund.

SEC. 328. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Limitation on General Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 329. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 330. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901, et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 332. Notwithstanding 15 U.S.C. 631 et seq. and 10 U.S.C. 2301 et seq. as amended, the United States Coast Guard acquisition of 47-foot Motor Life Boats for fiscal years 1995 through 2000 shall be subject to full and open competition for all U.S. shipyards. Accordingly, the Federal Acquisition Regulations (FAR) (including but not limited to FAR Part 19), shall not apply to the extent they are inconsistent with a full and open competition.

SEC. 333. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the new Denver International Airport, Denver, Colorado: *Provided*, That this provision shall not

apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds.

SEC. 334. (a) Section 5302(a)(1) of title 49, United States Code, is amended by striking—

(1) in subparagraph (B), "that extends the economic life of the bus for at least 5 years"; and

(2) in subparagraph (C), "that extends the economic life of the bus for at least 8 years".

(b) The amendments made by this section shall not take effect before March 31, 1996.

SEC. 335. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to the provisions of section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 336. Of the budgetary resources provided to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1996, \$25,000,000 are permanently canceled: *Provided*, That the Secretary of Transportation shall reduce the existing field office structure, and to the extent practicable collocate the Department's surface transportation field offices: *Provided further*, That the Secretary may for the purpose of consolidation of offices and facilities other than those at Headquarters, after notification to and approval of the House and Senate Committees on Appropriations, transfer the funds made available by this Act for civilian and military personnel compensation and benefits and other administrative expenses to other appropriations made available to the Department of Transportation as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That no appropriation shall be increased or decreased by more than ten per centum by all such transfers.

SEC. 337. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to "Rental payments" for any expense authorized by that appropriation in excess of the amounts provided in this Act: *Provided*, That prior to any such transfer, notification shall be provided to the House and Senate Committees on Appropriations.

SEC. 338. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more

aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

"SEC. 339. None of the funds in this Act may be used to enforce the requirement that airport charges make the airport as self-sustaining as possible or the prohibition against revenue diversion in the Airport and Airway Improvement Act of 1982 (49 U.S.C. 47107) against Hot Springs Memorial Field in Hot Springs, Arkansas on the grounds of such airport's failure to collect fair market rental value for the facilities known as Kimery Park and Family Park: *Provided*, That any fees collected by any person for the use of such parks above those required for the operation and maintenance of such parks shall be remitted to such airport: *Provided further*, That the Federal Aviation Administration does not find that any use of, or structures on, Kimery Park and Family Park are incompatible with the safe and efficient use of the airport."

SEC. 340. (a) Except as provided in subsection (b) of this section, 180 days after attaining eligibility for an immediate retirement annuity under 5 U.S.C. 8336 or 5 U.S.C. 8412, an individual shall not be eligible to receive compensation under 5 U.S.C. 8105-8106 resulting from work injuries associated with employment with the Department of Transportation (excluding the Maritime Administration).

(b) An individual who, on the date of enactment of this Act, is eligible to receive an immediate annuity described in subsection (a) may continue to receive such compensation under 5 U.S.C. 8105-8106 until March 31, 1996.

SEC. 341. None of the funds in this Act shall be available to pay the salaries and expenses of any individual to arrange tours of scientists or engineers employed by or working for the People's Republic of China, to hire citizens of the People's Republic of China to participate in research fellowships sponsored by the Federal Highway Administration or other modal administrations of the Department of Transportation, or to provide training or any form of technology transfer to scientists or engineers employed by or working for the People's Republic of China.

SEC. 342. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

SEC. 343. (a) Subsection (b) of section 5333 of title 49, United States Code, is hereby repealed.

(b) The repeal made by this section shall take effect on the date of enactment of this Act. Any labor protection agreement or arrangement entered into or imposed pursuant to the subsection repealed by this subsection, or section 13(c) of the Federal Transit Act, prior to such date of enactment shall be terminated, as of such date, and shall have no further force or effect, and no rights or duties shall exist on the basis of any such labor protection agreement or arrangement entered into or imposed pursuant to such subsection or such section 13(c) notwithstanding the provisions of any law.

SEC. 344. In addition to the sums made available to the Department of Transportation, \$8,421,000 shall be available on the effective date of legislation transferring certain rail and motor carrier functions from the Interstate Commerce Commission to the Department of Transportation: *Provided*, That such amount shall be available only to the extent authorized by law: *Provided further*, That of the fees collected pursuant to 31

U.S.C. 9701 in fiscal year 1996 by the successors of the Interstate Commerce Commission, one-twelfth of \$8,300,000 of those fees shall be made available for each month during fiscal year 1996 that the successors of the Interstate Commerce Commission carry out the transferred rail and motor carrier functions.

SEC. 345. The Secretary of Transportation shall not authorize funding of additional Federal-aid projects for the Central Artery/Third Harbor Tunnel Project in Boston, Massachusetts, unless a financial plan is submitted by the Commonwealth of Massachusetts by October 30, 1995, and approved by the Secretary: *Provided*, That for each fiscal year thereafter until the project is complete, the financial plan shall be updated bi-annually and submitted to the Secretary by February 1 and August 1 of each fiscal year and further funding shall not be approved by the Secretary until the Secretary approves such updated plans: *Provided further*, That each such financial plan shall be based on a detailed annual estimate of the cost to complete the remaining elements of the project including all commitments contained in the approved project environmental documents, regardless of whether these elements are to be federally funded: *Provided further*, That the financial plan shall be based on reasonable assumptions of future cost increases, as determined by the Secretary, and shall identify the sources of available and proposed funding necessary to finance completion of the project while considering other State transportation needs.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise to make a point of order against page 54, line 3 through line 24.

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

Mr. SHUSTER. Mr. Chairman, this provision violates Rule XXI, clause 2(b) of the rules of the House because it changes existing law by imposing additional legislative requirements regarding funding.

The CHAIRMAN. Does any Member wish to be heard on the point of order stated by the gentleman from Pennsylvania?

Mr. WOLF. Mr. Chairman, I guess the gentleman does think it says that, because I think the parliamentarian read it carefully. It is my understanding that this language will be carried in another provision some other time?

Mr. SHUSTER. Mr. Chairman, we have committed for the Committee on Transportation and Infrastructure to deal with the issue. We have not agreed to this precise language.

Mr. WOLF. Mr. Chairman, that is fine. I take the word of the gentleman from Pennsylvania. I have no objection, and if the gentleman says that it violates a point of order, I believe him and that is it. I concede it.

The CHAIRMAN. Does the gentleman concede the point of order?

Mr. WOLF. Yes, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Are there amendments to title III?

AMENDMENT NO. 17 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER: Page 46, lines 3 through 7.

Redesignate subsequent sections of title III of the bill accordingly.

Mr. NADLER. Mr. Chairman, I am seeking to strike from this bill an unfunded Federal mandate which singles out New York City from the rest of the country. This is not the first time I have gotten up with this amendment; the gentlewoman from New York [Ms. MOLINARI] and I have had a colloquy on this amendment for several years now. She has been on the other side of this issue.

This legislation prohibits New York City from charging two-way tolls on the Verrazano Narrows Bridge between Staten Island and Brooklyn. This is the only provision of its kind in Federal law in the entire United States.

Mr. Chairman, currently having a one-way toll on the Verrazano Narrows Bridge creates a pathway into the central business district of New York City by going through Staten Island and Brooklyn into the city, and going out of the city through the Holland Tunnel to New Jersey from Manhattan.

Mr. Chairman, commuters and commercial vehicles which use this pathway can avoid paying any tolls at all, because the Verrazano Narrows Bridge tolls are turned around in the opposite direction from the other tolls on the bridges and tunnels across the Hudson River. This loophole has cost our transportation agencies that support mass transit between \$7 million and \$8.2 million annually.

Since we are discussing transportation appropriations, let me turn my attention for a moment from this legislative issue to one of actual transportation funding. Do any of my colleagues feel so strongly that they would be willing to make up those lost dollars out of their State's appropriation or to increase the appropriation to New York in this bill by that amount of money?

We are not talking about money being paid by my colleagues' constituents or by Federal taxpayers; we are talking about money New Yorkers pay to our local transportation agencies for our local transportation system. By what right does Congress tell us how to raise money locally and which way, and how, to charge tolls on a local bridge?

In addition to costing us between \$7 million and \$8.2 million a year in mass transit funds at a time when Federal mass transit subsidies as the gentleman from Michigan noted are being greatly reduced, this unfunded mandate diverts vehicles into lower Manhattan because of the traffic pathway it opens up in which vehicles going to Brooklyn go through Manhattan to get

out in order to avoid the toll, thus greatly increasing air pollution and creating two hot spots. That is to say, particular concentrations of air pollution which creates large pockets of carbon monoxide concentration.

Mr. Chairman, we cannot afford this kind of increased air pollution in New York City. We are already a nonattainment area under the Federal Clean Air Act and are subject to penalties by the Federal Government, the EPA, if we do not comply and attain ambient air quality standards within the time limit set. But without this amendment, Congress will not permit us to take action to reduce the congestion and to clean up our problem.

In addition to being a cause of increased air pollution, in addition to being an inconvenience for local residents in Brooklyn and Manhattan, lower Manhattan especially, this congestion is choking off maritime commerce from the Red Hook and South Brooklyn marine terminals in Brooklyn, as well as from numerous small commercial light manufacturing businesses on the Brooklyn waterfront and in Industrial Sunset Park in Brooklyn. We are losing jobs and it will only get worse.

A small minority in our city want to use the Federal Government to circumvent the popular will of the majority in our city. The sponsors of this provision, which my amendment seeks to eliminate from the Federal law, know that left alone, New Yorkers will do what is in our own best interest and eliminate the one-way tolls.

Mr. Chairman, I urge support of my amendment which simply removes the Federal mandate to have one-way tolls on this particular bridge and allows local government to make its own decision. This unfunded mandate has clogged our streets, killed local businesses, and destroyed the quality of life in our cities.

Unless we repeal this provision, Congress will continue to mandate the continued deterioration of these areas. Do not help them do it. I urge my colleagues to support this amendment and remove this detrimental provision from the law.

Mr. WOLF. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from New York [Mr. NADLER].

Mr. Chairman, one-way toll collection on the Verrazano Bridge is necessary for a number of reasons. If this language were stricken as proposed, traffic from New York City to Staten Island would increase dramatically. Traffic in Staten Island would become more entangled as traffic emanating in New Jersey would cross the bridge into Staten Island.

This system has been in place since fiscal year 1994 and has been included in each appropriation bill since that time. The issue has been debated time

and again, and frankly nothing has changed to warrant the deletion of the language except for the fact that the language has been successful; therefore, there has been no change; therefore, there is no need to delete.

Mr. Chairman, the system is proven to work and an environmental impact analysis has been conducted to support the one-way toll collection on this bridge. Mr. Chairman, I oppose the amendment to strike the committee language. We have had it for a number of years. I strongly urge a no vote.

Mr. COLEMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, just very quickly, I sympathize with my colleague from New York, Mr. NADLER, for a very simple reason. A number of our colleagues in the House over the years have had problems of this type that we have tried very hard in the committee to work with. I would hope that the authorizing committee will be able to work with the gentleman, although from time to time it has been necessary for our own Committee on Appropriations to deal with these issues.

Mr. Chairman, because this language is in the appropriations bill, the gentleman correctly approaches the other Members on the floor of the House with respect to this particular language in the appropriations, because I do not think he has anywhere else to go.

For that reason, Mr. Chairman, I certainly support his effort. I would only say to the chairman, the gentleman from Virginia [Mr. WOLF], I recall, indeed, some problems that the chairman has had a Route 66 and other areas around the regions that he represents with respect to traffic problems.

The one that is cited by our colleague may indeed be the case. While we have not personally held hearings, while I have not heard of any hearings on this issue before the Committee on Appropriations, it is exactly the reason that many of these issues should have been addressed by the authorizing committee. But I will say to my colleague from New York that I think a lot of Members will have an understanding about the problem.

I hope that those going in the other direction, which would occur should his amendment prevail, we also will be able to hear from them.

Ms. MOLINARI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment which would have severe and obviously outrageous negative impacts on my constituents by ending the current one-way westbound collection of tolls on the Verrazano Narrows Bridge and instead adopt an eastbound collection of the tolls.

I should remind Members, as the gentleman from Virginia [Mr. WOLF], the chairman, did, that this attempt to reverse the toll collection has been

turned back by Congress every year since it was first brought to the House floor in 1986. And with good reason, because there are clearly increased congestion and environmental concerns brought on by creating an eastbound toll collection.

Mr. Chairman, my colleagues from New York contends that the current traffic pattern encourages traffic congestion in Manhattan. Let us be honest. This will not change the traffic nightmare in Manhattan or Brooklyn. Traffic in New York City has increased from 3 percent to 10 percent since 1984. For anyone familiar with New York City traffic, one needs to look no further than the reconstruction on the Gowanus and Brooklyn-Queens Expressways to determine whether the Verrazano Narrows toll is ultimately responsible.

To try to blame the Verrazano Narrows toll for increased traffic in Brooklyn, I would suggest, is like trying to blame the prolonged period of the OJ trial on the jurors. There is a good problem there, but the solution that you have advanced and the culprit you have identified has absolutely nothing to do with it.

Also, Mr. Chairman, should the Nadler amendment be made in order, traffic in New Jersey would increase dramatically. Perhaps the Triborough Bridge and Tunnel Authority's own statement of 2 years ago puts it best when it stated that "one-way eastbound toll collection, eastbound traffic diverted away from the Verrazano Narrows Bridge would add to existing congestion at the eastbound Holland Tunnel toll plaza."

But perhaps the single most important issue in this debate is the air quality and environmental health concerns in which past studies have all concluded the same thing: Staten Islanders who pay a disproportionate share of their toll on the Verrazano Narrows Bridge to subsidize mass transit and subways in the Borough of Manhattan will suffer from significantly increased levels of carbon monoxide.

In closing, this is an issue which is critically important to my constituents and to tens of thousands of commuters who use the Verrazano Narrows Bridge to get to and from work every day, while subsidizing the subways in Manhattan. In my mind the only acceptable change to the westbound toll, and maybe my friend, the gentleman from New York [Mr. NADLER] will agree with me, is no toll at all.

Mrs. MALONEY. Mr. Chairman, I rise in support of my colleague's amendment.

The gentleman from New York and I represent several neighborhoods in Lower Manhattan and Brooklyn that bear the brunt of the current, wrong-headed toll policy on the Verrazano Bridge.

First, our colleagues from around the country should ask themselves—why Congress is meddling in a local traffic dispute.

That's a good question—especially when you consider that year after year, the mandate of the one-way toll from Brooklyn to Staten Island was put in place over the objections of our city and State governments, and all but one of our city's congressional representatives.

Here's why the one-way toll continues to be a terrible idea:

First, it wastes money. Because of toll evaders, New York is losing \$7 million in revenues. Revenues which are desperately needed elsewhere.

Second, it's an environmental disaster. The diverted traffic into my district has caused air pollution hot spots.

Third, the quality of life in these neighborhoods continues to deteriorate. Heavy trucks are rattling through residential neighborhoods on roads not designed for this traffic.

The damage caused by the one-way toll over the Verrazano Bridge could be ended with passage of the Nadler amendment.

Mr. TOWNS. Mr. Chairman, I rise in strong support of this amendment introduced by my distinguished colleague, Mr. NADLER, to change the one-way toll collection system for the Verrazano Bridge crossing between Brooklyn and Staten Island in New York City back to a two-way collection. This is a matter of utmost importance to the residential and business communities that I represent. The one-way toll was established in 1986 as a temporary experimental program to study any decrease of air pollution impacting the Staten Island communities located near the then existing east-bound toll booths. Since 1986, several thousand Staten Island residents may have benefited from less air pollution but the half million people of western Brooklyn and Lower Manhattan have been choking from the hot spots created by the gridlock. For the past 9 years, these Brooklyn and Manhattan neighborhoods have suffered from a monumental increase in car and truck traffic through our historic neighborhoods due to the implementation of one-way westbound tolls at the Verrazano-Narrows Bridge. We have experienced a dramatic escalation in congestion, noise, pollution, and damage to our aging infrastructure as a result of the daily car and truck traffic that spills onto our local streets. This Federal intrusion in local traffic management imposing one-way toll collection has cost my constituents and my colleagues nearly \$1 billion over the last 6 years in losses associated with increased traffic congestion, air pollution, and noise. Because of this toll, motorists are turning western Brooklyn, Lower Manhattan, and Jersey City into a pollution-filled parking lot. Equally serious are the vibrations on our nearby residential and commercial buildings and the costly water and gas main breaks. The Metropolitan Transportation Authority has lost an estimated \$8 million a year in lost toll revenue since 1986. This has meant higher public transportation fares for everyone in New York, New Jersey, and Connecticut. One-way tolls have made it more difficult for the New York region to come into compliance with the Federal Clean Air Act.

Mr. Chairman, it is unconscionable that this action was ever permitted to happen, let alone continue for 9 years. Impassioned appeals to

the Congress by leaders of Brooklyn and Manhattan to strip previous Transportation appropriations acts of this language have been ignored. Congress should not be in the business of imposing on local transportation officials toll collection schemes which bankrupt municipal budgets and clog our streets with metal elephants shaking everything as they motor by.

I implore my colleagues to support Mr. NADLER'S amendment that addresses this major quality of life issue for some of New York's thriving neighborhoods.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. NADLER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. HEFLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Page 53, line 15, strike "\$8,421,000" and insert "\$5,421,000".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 10 minutes; 5 minutes for those favoring the amendment and 5 minutes for those opposing the amendment, 2½ minutes to the ranking member, Mr. COLEMAN, and 2½ minutes to myself.

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

There was no objection.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, on June 16, 1994, Congress voted 234 to 192 to eliminate funding for the Interstate Commerce Commission. The task of the 104th Congress is to transfer any remaining necessary functions to the Department of Transportation.

Mr. Chairman, my amendment will cut \$3 million in operating expenses for carrying out these few functions. Some would have us believe that this would cripple the Committee on Transportation and Infrastructure's ability to legislate how these functions would be carried out by DOT.

Mr. Chairman, the simple fact is that in 1995, we spent about \$31 million on the ICC. Let us remember that figure, \$31 million in 1995. This year we are going to spend over \$22 million to carry out far fewer regulations without the cost of operating a large independent agency; a 27 percent cut for something that is being eliminated.

Mr. Chairman, my amendment still only brings the cut to 36 percent. It does not appear we have eliminated the idea of an ICC at all; we have only renamed it.

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I understand that the ICC will still exist for about 3 months into the new

fiscal year. I am not touching any of that money.

I also understand that closing the ICC will cost money. I am not touching any of that money either. But what I am going after is the \$8.4 million for three-quarters of a fiscal year for carrying out functions that even many industry experts say should not cost \$5 million for the full year, and this is just for three-quarters, \$8 million, just three-quarters.

Let us take a closer look at these numbers. The \$8.4 million for 9 months comes out to over \$11 million for the full year. The rail industry suggests a strong regulatory structure within DOT may cost \$5 million to \$7 million for the year. That is at least \$4 million too much for a full fiscal year, or about \$3 million for three-quarters of a year funding.

I believe I left enough money in the appropriation for the Committee on Transportation and Infrastructure to decide what sort of structure is necessary.

There are some who say my amendment does not go far enough, but I would like to believe that when all is said and done, when deregulation is complete, we will not have a successor to the ICC as the appropriation language indicates. We will have very few people carrying out very few functions.

The 104th Congress is about change. It is about reform and less government. We say we are eliminating the ICC, but are we simply changing its name?

Mr. Chairman, a vote for my amendment is not only a vote for fiscal responsibility and common sense, it is also about the new relationship Congress has with the American people. We say we want our Government to make do for less. So let us really do for less. It is called telling the truth to the American people.

I would encourage an "aye" on the Hefley amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the amendment would gut the ICC's ability to shut down, and the ICC will be shutting down. It would be disruptive and bring about bigger RIF's quicker than they have to do it, and they are shutting down.

The authorizing committee, who you will soon be hearing from, is drafting legislation that will sunset the ICC when it identifies which regulatory matters need to be considered, such as rail mergers.

Lastly, the committee heard from a large number of groups the ICC currently regulates. They have all asked for sufficient funding to continue ICC functions, such as undercharge claims, rail abandonment, rail mergers, and captive shipping rates and strongly oppose the Hefley amendment to reduce by \$3 billion.

The ICC, though, with this bill, will shut down and will be seen never more.

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

Mr. COLEMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me only say to my colleague from Colorado the thing that he has not paid a lot of attention to is the fact that we have a lot of organizations out there that still need the facilities of the ICC at some point, whether or not it is an independent board of DOT, which is now proposed.

Look, the bottom line, the ICC is out of business by the end of the year.

Let me give you a number of those organizations who wrote a letter to the Speaker of the House, dated July 20. They said they wanted a sufficiently funded independent board within DOT. This letter was from the American Public Power Association, Western Coal Traffic League, Western Fuels Association, National Rural Electrical Cooperative Association, National Mining Institute, National Grain and Feed Association, Edison Electric Institute.

Why the money away from even being able to set up an independent board within DOT?

The Chairman is exactly right, you are to RIF a lot of people a lot sooner than you are going to have to otherwise. That is all this amendment does.

I think it is pretty shortsighted. I hope Members will oppose the amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

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

I am very surprised by this amendment. We are going to eliminate the ICC. We have scheduled it. In September, when we come back, we will move to eliminate the ICC, and there is no doubt in my mind that the votes will be there to do it.

Now, we must shut it down in an orderly fashion. The appropriation which the Committee on Appropriations has provided comes in under the budget resolution. It is not above the budget resolution. It is under the budget resolution, so that we have an orderly shut-down.

I have a whole page of functions which are going to be eliminated for motor carriers, trucks, and for railroads. Now, there are a few functions which must be transferred, probably over to the Department of Transportation, a review of rail mergers and acquisitions, the common carrier obligation. We have still got to be concerned with these issues. We have got to be concerned with safety issues.

But we are going to eliminate the ICC. But we are going to do it in an orderly way. We are going to do it with a

very significantly reduced budget, indeed, a budget that is under the budget provided for in the budget resolution.

So for all of those reasons, I say let us not let this amendment pass. Defeat this amendment and let us eliminate the ICC in an orderly, efficient fashion.

Mr. HEFLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I hate to be in opposition to my good friends here on this. We are all in agreement that the ICC needs to be eliminated.

When I, years ago, started this, I could not get enough votes to fill a phone booth in here. On this last year, we passed the idea of elimination. Now, everyone is in favor of elimination, but the talk is that I am trying to devastate it so it cannot be done in an orderly fashion.

We are still putting \$22 million in it, and many of the groups that are against this amendment are concerned about the motor carrier regulations. But the Committee on Appropriations assumes the fees collected will cover the expenses to administer any carrier function which remains.

The ICC wants to keep 60 people for this and transfer them to the office of motor carriers within the DOT. Even the appropriations concede this is excessive, arguing the need for only perhaps a handful of motor carrier experts for the ICC need be retained. For the rail functions, the ICC wants to transfer 180 people for a commerce board. Again, the appropriations agreed this is excessive, contending that only 140 are needed. The administration believes only 100 people are needed. The rail industry believes, say maybe 50 or 60 will be enough for the board.

So, in my opinion, we are trying to do this in an orderly way. We are not trying to devastate their ability to function until it is time for them to phase out. The idea is, though, when they do phase out, we want them to phase out. We do not want just a name change.

So, again, I would encourage support for this amendment.

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

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the Hefley amendment. The bill appropriates \$8.4 million for the necessary functions remaining after the ICC's elimination. I support that amount.

As most Members know, the Committee on Transportation and Infrastructure has been working diligently to produce legislation to close down the ICC. While we recognize the need to streamline Government and eliminate unnecessary regulation, the funds appropriated in this bill represents the barebones to support a more efficient and substantially deregulated independent successor to the ICC.

Additionally, because of our committee's effort to further deregulate the railroad and motor carrier industry, many of the ICC's functions will be eliminated yet some crucial functions would remain the responsibility the Department of Transportation or the ICC's successor, including jurisdiction over railroad mergers, intercarrier transactions, and rail rate regulation. Moreover, many functions would be eliminated including, the repeal of tariff filing, special provisions for recyclables, and minimum rate jurisdiction, just to name a few.

These functions that we seek to retain are important to the railroads, industry, shippers, and ultimately consumers. Therefore, it is crucial that we have the necessary funding to terminate the ICC in an orderly manner and more importantly, to provide enough funding for the ICC's successor.

We should not be shortsighted. It is simply impossible for a skeletal staffing level, which this amendment would result in, to support this extremely critical workload.

Mr. Chairman, there are 300 motor carrier undercharge cases currently pending before the ICC. Members of this body are familiar with the undercharge crisis and recognize that millions of dollars of disputes are still pending in courts across the country—many of which will eventually be referred to the ICC or its successor. As I mentioned before, even though we are substantially deregulating the rail and motor carrier industry, there are many important functions that must be retained and any reduction in funding could prove to throw the transition process into chaos.

Mr. Chairman, the Hefley amendment, while perhaps well-intended, will seriously jeopardize the House's effort to reform the ICC. Therefore, I oppose this amendment, and I urge a "no" vote.

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

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Hefley amendment.

Mr. Chairman, I strongly oppose the Hefley amendment. To my colleagues on both sides of the aisle, I say: if you believe in fairness in transportation policy, you should vote "no." I'm for reform of the ICC, but I am adamantly opposed to this senseless gutting of the ability of the ICC to carry out its duties under the law to enforce the captive shipper protections which Congress wisely wrote into the Rail Act years ago, and which are the responsibility of the FCC. The Hefley amendment would slash the funding and eliminate the staff of the ICC, with the result that the authority to protect captive shippers would remain, but there would be no means, no staff to enforce those protections, it would be a hollow law.

Bulk commodities such as taconite—a processed, high-grade form of iron ore—coal,

phosphate, limestone are products that uniquely move mine mouth to consumer by rail—and, often, on a single railroad company's line. Without the oversight of the ICC, communities dependent on mining for their livelihood, would be at the mercy of these powerful rail shipping interests for their economic future. We should not take so drastic an action within the inflexible context of an appropriation bill, which does not allow us leeway to protect the legitimate interests of mining communities and the industries and their workers, to whom these bulk commodities are shipped. Vote "no" on Hefley.

Mr. COLEMAN. Mr. Chairman, I yield myself the balance of my time.

Just in closing, let me only say I think it has been said, but that what, indeed, all of the groups that wrote to the Speaker and were concerned about was very similar; they said:

We strongly encourage Congress to transfer those necessary functions out of the ICC to an independent board within the Department of Transportation. We want Congress to ensure that the new board is in place before appropriations for the ICC are exhausted, to ensure smooth transition.

That is all this is.

I think common sense would dictate that this Congress not do anything that radical, and I would hope we would defeat the amendment.

The CHAIRMAN. All time has expired.

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, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

The point of order of no quorum is considered withdrawn.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Michigan [Mr. SMITH] and the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

#### AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. SMITH] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 313, not voting 20, as follows:

[Roll No. 561]

AYES—101

Allard	Fields (TX)	Myrick
Archer	Frisa	Neumann
Army	Funderburk	Norwood
Bachus	Gillmor	Parker
Barcia	Gordon	Paxon
Bass	Graham	Peterson (MN)
Bentsen	Gunderson	Portman
Boehner	Hall (TX)	Radanovich
Bono	Hamilton	Riggs
Brewster	Hancock	Rohrabacher
Brownback	Hastings (WA)	Roth
Bryant (TN)	Hayworth	Royce
Bryant (TX)	Hefley	Salmon
Burr	Heger	Sanford
Burton	Hilleary	Scarborough
Buyer	Horn	Seastrand
Chabot	Hostettler	Sensenbrenner
Chambliss	Inglis	Shadegg
Chenoweth	Jacobs	Smith (MI)
Christensen	Jones	Souder
Chrysler	Kasich	Stockman
Coble	Klecza	Stump
Coburn	Klug	Talent
Collins (GA)	Kolbe	Taylor (NC)
Cooley	Largent	Thornberry
Crane	Lincoln	Tiahrt
Crapo	LoBiondo	Wamp
Cubin	McInnis	Watts (OK)
Deal	McIntosh	Weller
Doolittle	Metcalf	White
Dreier	Meyers	Wicker
Duncan	Miller (FL)	Wilson
Edwards	Minge	Zimmer
Ensign	Moorhead	

NOES—313

Abercrombie	Clyburn	Fazio
Ackerman	Coleman	Fields (LA)
Andrews	Collins (IL)	Filner
Baessler	Combest	Flanagan
Baker (CA)	Condit	Foglietta
Baldacci	Conyers	Foley
Ballenger	Costello	Forbes
Barr	Cox	Fowler
Barrett (NE)	Coyne	Fox
Barrett (WI)	Cramer	Frank (MA)
Bartlett	Creameans	Franks (CT)
Barton	Cunningham	Franks (NJ)
Becerra	Danner	Frelinghuysen
Beilenson	Davis	Frost
Bereuter	de la Garza	Furse
Berman	DeFazio	Gallegly
Bevill	DeLauro	Ganske
Bilirakis	DeLay	Gejdenson
Bishop	Dellums	Gekas
Bliley	Deutsch	Gephardt
Blute	Diaz-Balart	Geren
Boehlert	Dickey	Gibbons
Bonilla	Dicks	Gilchrest
Bonior	Dingell	Gilman
Borski	Dixon	Gonzalez
Boucher	Doggett	Goodlatte
Browder	Dooley	Goodling
Brown (CA)	Dornan	Goss
Brown (FL)	Doyle	Green
Brown (OH)	Dunn	Greenwood
Bunn	Durbin	Gutierrez
Bunning	Ehlers	Gutknecht
Callahan	Ehrlich	Hall (OH)
Calvert	Emerson	Harman
Camp	Engel	Hastert
Canady	English	Hastings (FL)
Cardin	Eshoo	Hayes
Castle	Evans	Hefner
Chapman	Everett	Heineman
Clay	Ewing	Hinchee
Clayton	Farr	Hobson
Clement	Fattah	Hoekstra
Clinger	Fawell	Hoke

Holden	McKeon	Schroeder
Houghton	McNulty	Schumer
Hoyer	Meehan	Scott
Hunter	Meek	Serrano
Hutchinson	Menendez	Shaw
Hyde	Mfume	Shays
Istook	Mica	Shuster
Jackson-Lee	Miller (CA)	Siskis
Jefferson	Mineta	Skaggs
Johnson (CT)	Mink	Skeen
Johnson (SD)	Molinari	Skelton
Johnson, E. B.	Mollohan	Slaughter
Johnson, Sam	Montgomery	Smith (NJ)
Johnston	Moran	Smith (TX)
Kanjorski	Morella	Smith (WA)
Kaptur	Myers	Spence
Kelly	Nadler	Spratt
Kennedy (MA)	Neal	Stark
Kennedy (RI)	Nethercutt	Stearns
Kennelly	Ney	Stenholm
Kildee	Oberstar	Stokes
Kim	Obey	Studds
King	Olver	Stupak
Kingston	Ortiz	Tanner
Klink	Orton	Tate
Knollenberg	Owens	Tauzin
LaFalce	Oxley	Taylor (MS)
LaHood	Packard	Tejeda
Lantos	Pallone	Thomas
Latham	Pastor	Thompson
LaTourette	Payne (NJ)	Thornton
Laughlin	Payne (VA)	Thurman
Lazio	Pelosi	Torkildsen
Leach	Peterson (FL)	Torres
Levin	Petri	Torricelli
Lewis (CA)	Pickett	Towns
Lewis (GA)	Pombo	Traficant
Lewis (KY)	Pomeroy	Upton
Lightfoot	Porter	Velasquez
Linder	Poshard	Vento
Lipinski	Pryce	Visclosky
Livingston	Quillen	Vucanovich
Lofgren	Quinn	Waldholtz
Longley	Rahall	Walker
Lowe	Rangel	Walsh
Lucas	Reed	Ward
Luther	Regula	Waters
Maloney	Richardson	Watt (NC)
Manton	Rivers	Waxman
Manzullo	Roberts	Weldon (FL)
Markey	Roemer	Weldon (PA)
Martinez	Rogers	Whitfield
Martini	Ros-Lehtinen	Wise
Masaca	Roukema	Wolf
Matsui	Roybal-Allard	Woolsey
McCarthy	Rush	Wyden
McColum	Sabo	Wynn
McCrery	Sanders	Young (AK)
McDade	Sawyer	Young (FL)
McDermott	Saxton	Zeliff
McHale	Schaefer	
McHugh	Schiff	

NOT VOTING—20

Baker (LA)	Hilliard	Rose
Bateman	McKinney	Solomon
Bilbray	Moakley	Tucker
Collins (MI)	Murtha	Volkmer
Flake	Nussle	Williams
Ford	Ramstad	Yates
Hansen	Reynolds	

□ 2159

The Clerk announced the following pair:

On this vote:

Mr. Nussle for, with Ms. McKinney against.

Messrs. MENDENDEZ, TATE, CREMEANS, and LONGLEY changed their vote from "aye" to "no."

Messrs. JACOBS, HORN, BRYANT of Texas, MOORHEAD, WILSON, and RIGGS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2200

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman from Texas will state his parliamentary inquiry.

Mr. COLEMAN. Mr. Chairman, this may not be in the proper form of a parliamentary inquiry, but I think it could be, so I wanted to ask whether or not this would be the last vote of the evening, in the event that the Committee were to decide to rise following this last vote.

The CHAIRMAN. It is the understanding of the Chair that this will be the last vote in the Committee of the Whole.

Mr. COLEMAN. I think the chairman.

The CHAIRMAN. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 270, not voting 20, as follows:

[Roll No. 562]

AYES—144

Archer	Ensign	LoBiondo
Army	Eshoo	Longley
Baker (CA)	Ewing	Luther
Barcia	Fields (TX)	Manzullo
Barr	Forbes	McCarthy
Barrett (WI)	Fox	McColum
Barton	Frank (MA)	McHugh
Bass	Frisa	McInnis
Bereuter	Funderburk	McKeon
Bevill	Gallegly	McNulty
Bilirakis	Geren	Meehan
Bonilla	Gillmor	Metcalf
Bryant (TN)	Graham	Mfume
Burton	Gutknecht	Miller (CA)
Camp	Hall (TX)	Miller (FL)
Cardin	Hancock	Minge
Chabot	Harman	Montgomery
Chapman	Hastert	Moorhead
Chenoweth	Hastings (WA)	Myrick
Christensen	Hefley	Neumann
Coble	Heger	Ney
Coburn	Hilleary	Obey
Condit	Hobson	Oxley
Cooley	Hoekstra	Packard
Cox	Hoke	Paxon
Cramer	Horn	Peterson (MN)
Crane	Hostettler	Pombo
Crapo	Hunter	Porter
Creameans	Inglis	Portman
Cunningham	Istook	Poshard
Deal	Johnson, Sam	Pryce
Dickey	Jones	Radanovich
Doolittle	Kasich	Rivers
Dornan	Kennedy (MA)	Roemer
Dreier	King	Rohrabacher
Duncan	Klug	Royce
Ehrlich	Largent	Salmon

Sanford	Smith (MI)	Taylor (MS)
Scarborough	Solomon	Thornberry
Schaefer	Souder	Torkildsen
Schroeder	Spence	Upton
Schumer	Stark	Waldholtz
Seastrand	Stearns	Wamp
Sensenbrenner	Stenholm	Weldon (PA)
Shadegg	Stockman	White
Shays	Stump	Young (FL)
Skelton	Stupak	Zeliff
Slaughter	Talent	Zimmer

NOES—270

Abercrombie	Foglietta	Matsui
Ackerman	Foley	McCrery
Allard	Fowler	McDade
Bachus	Franks (CT)	McDermott
Baessler	Franks (NJ)	McHale
Baldacci	Frelinghuysen	McIntosh
Ballenger	Frost	Meek
Barrett (NE)	Furse	Menendez
Bartlett	Ganske	Meyers
Becerra	Gejdenson	Mica
Beilenson	Gekas	Mineta
Bentsen	Gephardt	Mink
Berman	Gibbons	Molinari
Bishop	Gilchrest	Mollohan
Billey	Gilman	Moran
Blute	Gonzalez	Morella
Boehlert	Goodlatte	Myers
Boehner	Goodling	Nadler
Bonior	Gordon	Neal
Bono	Goss	Nethercutt
Borski	Green	Norwood
Boucher	Greenwood	Oberstar
Brewster	Gunderson	Oliver
Browder	Gutierrez	Ortiz
Brown (CA)	Hall (OH)	Orton
Brown (FL)	Hamilton	Owens
Brown (OH)	Hastings (FL)	Pallone
Brownback	Hayes	Parker
Bryant (TX)	Hayworth	Pastor
Bunn	Hefner	Payne (NJ)
Bunning	Heineman	Payne (VA)
Burr	Hinchev	Pelosi
Buyer	Holden	Peterson (FL)
Callahan	Houghton	Petri
Calvert	Hoyer	Pickett
Canady	Hutchinson	Pomeroy
Castle	Hyde	Quillen
Chambliss	Jackson-Lee	Quinn
Chrysler	Jacobs	Rahall
Clay	Jefferson	Rangel
Clayton	Johnson (CT)	Reed
Clement	Johnson (SD)	Regula
Clinger	Johnson, E.B.	Richardson
Clyburn	Johnston	Riggs
Coleman	Kanjorski	Roberts
Collins (GA)	Kaptur	Rogers
Collins (IL)	Kelly	Ros-Lehtinen
Combest	Kennedy (RI)	Roth
Conyers	Kennelly	Roukema
Costello	Kildee	Roybal-Allard
Coyne	Kim	Rush
Cubin	Kingston	Sabo
Danner	Klecicka	Sanders
Davis	Klink	Sawyer
de la Garza	Knollenberg	Saxton
DeFazio	Kolbe	Schiff
DeLauro	LaFalce	Scott
DeLay	LaHood	Serrano
Dellums	Lantos	Shaw
Deutsch	Latham	Shuster
Diaz-Balart	LaTourette	Sisisky
Dicks	Laughlin	Skaggs
Dixon	Lazio	Skeen
Doggett	Leach	Smith (NJ)
Dooley	Levin	Smith (TX)
Doyle	Lewis (CA)	Smith (WA)
Dunn	Lewis (GA)	Spratt
Durbin	Lewis (KY)	Stokes
Edwards	Lightfoot	Studds
Ehlers	Lincoln	Tanner
Emerson	Linder	Tate
Engel	Lipinski	Tauzin
English	Livingston	Taylor (NC)
Evans	Lofgren	Tejeda
Everett	Lowe	Thomas
Farr	Lucas	Thompson
Fattah	Maloney	Thornton
Fawell	Manton	Thurman
Fazio	Markey	Tiahrt
Fields (LA)	Martinez	Torres
Filner	Martini	Torricelli
Flanagan	Mascara	Towns

Traficant	Ward	Wicker
Tucker	Waters	Wilson
Velazquez	Watt (NC)	Wise
Vento	Watts (OK)	Wolf
Visclosky	Waxman	Woolsey
Vucanovich	Weldon (FL)	Wyden
Walker	Weller	Wynn
Walsh	Whitfield	Young (AK)

NOT VOTING—20

Andrews	Ford	Ramstad
Baker (LA)	Hansen	Reynolds
Bateman	Hilliard	Rose
Bilbray	McKinney	Volkmer
Collins (MI)	Moakley	Williams
Dingell	Murtha	Yates
Flake	Nussle	

□ 2207

The Clerk announced the following pair:

On this vote:

Mr. Nussle for, with Ms. McKinney against.

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I have a parliamentary inquiry about tomorrow's schedule, and was wondering if someone on the other side could perhaps enlighten me with respect to the order of the schedule, the chronological order. I assume that there will be a limited number of one-minutes, and I am trying to find out whether or not we will proceed from that point into consideration of the corrections bill, or will we resume where we are tonight dealing with the matter before us?

The CHAIRMAN. The Chair is unaware of the program, perhaps we can entertain that parliamentary inquiry in the House.

Mr. MFUME. Mr. Chairman, would there be a Member on the other side of the aisle who might be able to inform me?

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

Mr. MFUME. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I was told we are doing limited one-minute and then correction day earlier, and then after that, go to conference, and then after that, come back to the transportation bill.

Mr. MFUME. There is a 1-hour debate then on the corrections bill?

Mr. WOLF. Yes.

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

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on the amendment to be offered by the gentleman from Texas [Mr. COLEMAN] to strike section 343 be limited to 40 minutes, equally divided between the gentleman from Texas [Mr. COLEMAN] and a Member opposed.

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

There was no objection.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to. Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. BERUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

Mr. BILBRAY. Mr. Chairman, I am pleased to join my colleagues in support of funding for the 511 Loan Guarantee Program. As a former city councilman, mayor, and county supervisor, I have long had an interest in the development of transportation infrastructure in San Diego County, CA.

During the last two decades, San Diego has developed a truly innovative public-private partnership in the area of transportation. In 1979, the Metropolitan Transit Development Board [MTDB] purchased the San Diego and Arizona Eastern Railway Railroad line. The San Diego Trolley Board which I had previously chaired, initiated transit service over the western portion of this line immediately surrounding San Diego.

In 1984, a Texas firm which operates Short Line Railroads established the San Diego and Imperial Valley Railroad which provides freight service over the line at night when the trolleys are not operating. This small railroad has provided good service and has been consistently profitable.

Unfortunately, in 1976, major sections of track were destroyed on the desert line which connects the National Railroad System. It has long been a major objective of the San Diego Association of Governments [SANDAG] to reconnect the railroad to the national rail network in the Imperial Valley. This will have major benefits for shippers in the San Diego area, and will provide relief for the transit lines which currently carry both freight and passengers into Los Angeles. Even though the track itself is owned by the transit district, management of the San Diego and Imperial Valley Railroad have informed us that they will finance the reconnection if section 511 loan guarantees are made available.

I would like to commend my colleague from San Diego, Representative FILNER, who has been the leader on this issue, and I look forward to the reopening of this important freight connection.

Ms. BROWN of Florida. Mr. Chairman, I rise in opposition to the Smith amendment. One of the many transit projects that would be affected by this amendment is Jacksonville, FL's Automated Skyway Express—home of the new NFL team, Jacksonville Jaguars. The bill includes \$12.5 million which will complete the last segment of this mass transit system and allow easy, convenient access into our downtown area.

This project began in 1984, before I was elected to this office, when the Federal Government asked the city of Jacksonville to participate in a transit demonstration project along with the cities of Miami and Detroit. During the last 11 years, the city of Jacksonville and

State of Florida has invested \$76,700,000, or 49 percent, in funding, while the Federal Government has invested \$81,644,911, or 51 percent, in this project. The significant local overmatch by the city of Jacksonville and the State of Florida indicates our high level of commitment to the completion of the system. The \$12.5 million from the Federal Government will fulfill its commitment to my constituents.

These funds are significant because we will be able to link the Southbank and the Northbank business districts, giving access to employment centers and Skyway parking facilities on either side of the St. Johns River. The duPont station, which is the terminal station on this segment, will accommodate a parking facility for almost 3,000 vehicles giving us a total of almost 5,000 peripheral parking spaces for Skyway patrons.

The total economic short-term impact, including the construction of both segments, north leg and river crossing, is significant. They will result in 4,693 new project-related jobs with a payroll of \$91.3 million, a local economic impact of \$274.8 million, a regional economic impact of \$284.3 million, and a national economic impact of \$429.8 million.

I would urge my colleagues to reject this amendment.

Mr. SCHAEFER. Mr. Chairman, I rise in support of the overall transportation appropriation bill but would like to note a concern I have regarding the funding levels for the Office of Pipeline Safety.

The Commerce Committee and the Transportation and Infrastructure Committee have both reported a bill (H.R. 1323) to reauthorize the Office of Pipeline Safety in the Department of Transportation for 4 years.

The authorized level in this legislation is \$20.7 million which would be collected through pipeline user fees. This level is 6 percent over the fiscal year 1995 authorized level and continues to increase in each of the subsequent 3 years by 6 percent.

However, H.R. 2002 appropriates \$27.2 million to the Office of Pipeline Safety. This is nearly \$7 million more than the anticipated authorized levels. At a hearing before the Commerce Committee's Subcommittee on Energy and Power, the Department of Transportation was questioned extensively about their proposed budget. The Subcommittee found that the Department's proposed budget was filled with duplication and waste. Consequently the \$20.7 million authorization level was adopted.

The interstate natural gas pipeline industry spends over \$800 million per year on pipeline safety. This reflects the fact that primary responsibility for overseeing pipeline safety rests with the pipelines themselves, not the Department of Transportation. The Department should not be funded at levels sufficient for it to duplicate the safety activities of the pipelines; instead, its role is to ensure that pipeline safety laws and regulations are being enforced.

I do not believe more money will make the Office of Pipeline Safety run better or more efficiently. Thus, although I do not plan to offer an amendment to reduce the appropriated level to the Committee-approved authorized level, when H.R. 1323 comes to the floor I do not intend to raise its authorization levels.

Mr. VENTO. Mr. Chairman, I rise in opposition to the bill.

There are many areas of concern in this bill and I would like to point out some that I find particularly troubling.

Originally, I had considered offering an amendment to restore some funding to the pipeline safety fund. However, I will not offer an amendment. I feel compelled to take this opportunity to impress upon this body the absolute necessity to continue pipeline safety as a priority within the Department of Transportation.

Minnesotans unfortunately know first-hand the loss and destruction that can occur when a pipeline fails. In the district I represent, several people have lost their lives and there has been millions of dollars in property damage due to pipeline failures resulting in explosions and/or massive spills. Nationwide the numbers are staggering. In 1994 alone, the Department of Transportation reports that there were 465 accidents involving liquid and gas pipelines resulting in 22 deaths, over 1,000 injuries, and over \$130 million in property damage. Our Federal role with interstate pipelines is absolutely essential for safety, health, and environmental reasons.

We cannot prevent every accident, but with many caused by third party damage, we certainly can prevent some through a comprehensive one-call notification system that can alert an excavator to the location of a pipeline before an accident occurs. I commend the committee for acknowledging the importance of developing a one-call system in this bill's report language, and including some funding for such a system. However, this bill only earmarked \$1 million of the State Pipeline Safety Grant Program for developing and implementing a comprehensive one-call program; a program with the proven potential of saving lives and millions of dollars.

Unfortunately, once again in this Congress the new Republican majority has responded to the oil and gas carries rather than consumers; industry over the individual. The administration budget sought an additional \$1.2 million for the State Grant Program. This measure denies such funding and instead in essence provides a \$7.5 million tax break to the pipeline industry.

The total appropriations for pipeline safety in the bill is within the proposed authorization. However, I would quickly point out that the authorization bill has not even been considered by the House or Senate, and yet the committee feels constrained by such a tentative measure. It is my hope that the Senate, when considering pipeline safety, gives it the priority and funding it deserves.

Review of other aspects of this transportation appropriation points up other problems with this legislation which undercut important and basic worker protections by repealing section 13(c) of the Federal Transit Act. This section of Federal law, which maintains basic worker collective bargaining rights, has been in existence for over 30 years. During that time these protections have worked and have ensured a fair and livable wage for transit workers.

Today, we are asked to sacrifice the standards of living for middle class working families at the altar of cost reductions and local flexibility. It is ironic that the supporters of repeal includes major transit authorities. While those

managers continue to collect their compensation, they are seeking to cut the wages of the workers who make these systems function. Such a duplicitous policy is wrong and should be rejected outright.

I am displeased that the House Rules Committee has not left the section 13(c) repeal subject to a point of order and that the rights of the workers can not be protected. It is another bad example of re-writing policy in an appropriation measure in violation with the rules of this House.

Another egregious provision in this bill is the proposal to cut mass transit operating assistance by \$310 million. That is a 40 percent reduction—representing 60 percent of the cuts in transportation funding. These cuts directly affect those in our society who can least afford them: The low income senior citizen who relies on mass transit to remain independent; the disabled person whose only means of transportation is mass transit; the welfare recipient whose only way to get to a new job is mass transit; the college student who uses mass transit to get to class; the middle income worker who depends on mass transit to get to their job. These are the people who will suffer from this cut, and these people will not be able to afford the 120 percent increase in their fares that the majority in this Chamber would like to impose upon them. This funding helps hold our urban areas together, we must not abandon commitments to our cities.

Mr. Chairman, once again we are faced with tough decisions on reducing Federal spending. As the majority party has done time and again, when the issue of cutting spending is raised, the first victims are safety, the poor and the rights of working families as graphically illustrated in this measure today. I urge the Members to reject this legislation and to enact a Transportation Appropriations bill that is fair and does not cripple our transportation and pipeline safety programs.

Mr. LIPINSKI. Mr. Chairman, I rise to express my strong opposition to the amendment offered by the gentleman from Michigan.

The administration's high-speed rail development program is designed to reduce the cost and improve the safety and performance of the kinds of high-speed rail projects that are most likely to find application in the United States.

The program is practical. It is targeted at safe, economical, environmentally friendly all-weather service by the year 2000 in all areas of the Nation. Such service alleviates the need for additional highway and airport capacity which are increasingly difficult and expensive to obtain.

And we're not talking about building new track here. It will make use of existing rail lines and doesn't require the expense of major new construction.

We have seen from the tremendous Amtrak ridership on the Northeast corridor that the public wants and will use high-speed rail technology throughout the country. This technology could be implemented in city pairs such as Detroit-Chicago, Chicago-St. Louis, Portland-Seattle, San Diego-Los Angeles, and Miami-Orlando, where trip times can be under 3 hours.

The Federal role proposed here is to provide the technology base. The States of Michigan, Illinois, Washington, California, Florida,

and New York want high-speed rail and have already dedicated State funds. It is unreasonable and uneconomical to expect 15 or 20 States to each undertake technology development programs.

If this amendment were to pass, the progress that has already been made in this area will have been for naught. I understand that the gentleman is offering this amendment because he wants to save money. If his amendment passes, we will have thrown away the substantial and worthwhile investments we've made. Now that's a waste of money.

Mr. Chairman, I urge my colleagues to oppose this amendment. High-speed rail has a legitimate future in this Nation. Let's not throw it away.

Mr. LIPINSKI. Mr. Chairman, I rise to express my strong opposition to the amendment offered by the gentleman from Colorado.

I think we all know that the gentleman supports the elimination of the Interstate Commerce Commission. That has been well documented over the years. But this amendment goes beyond previous years' attempts to sunset the ICC. This amendment would take a deliberate, organized process of transition from the ICC to DOT and throw it completely off course.

Nobody here has any illusions about the future of the ICC. The Transportation and Infrastructure Committee's Subcommittee on Railroads, on which I am the ranking Democratic member, is currently in the process of drafting legislation to sunset the ICC. We are in the process of determining which functions of the agency should be retained and absorbed by the Department of Transportation or a Commerce Board. Slashing the ICC's appropriation in this bill is tantamount to pulling the rug out from under our feet as we try to move forward—not to mention the disruption it would have on the close down of the ICC itself.

The truth is that Mr. HEFLEY'S amendment would not fund sufficient staff to perform ICC functions which are certain to be transferred. In fact, the amendment would hamstring the Federal Government's ability to carry out regulatory functions that even the regulated industries have said are necessary.

This amendment would fund only 53 positions at DOT for all remaining ICC rail functions. These 53 people would process all proposed rail consolidations and mergers, line abandonment and construction proposals, and line sale requests. They would also review shipper rate complaints, all rail car supply and interchange disputes, and shipper complaints seeking competitive access to more than one rail carrier.

These individuals would also process the 300 motor carrier undercharge cases currently pending before the Commission. I know that my colleagues are familiar with the undercharge crisis and recognize that millions of dollars of disputes are currently pending in courts around the country. Many of them will eventually be referred to the Commission or its successor.

I think my point is quite clear: 53 people cannot effectively perform all these tasks. And none of these areas is slated for deregulation.

This amendment would wreak havoc on the ICC and the transition to its successor. And let's be honest here—the affected industries

and the American people will pay the price if this misguided amendment passes. It is one thing to support regulatory reform and efficiency, and entirely another to intentionally underfund and thereby undermine a sound regulatory process.

You want to get rid of the Interstate Commerce Commission?

Fine. But let's do it right. Vote "no" on the Hefley amendment.

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

#### PERSONAL EXPLANATION

Mr. NUSSLE. Mr. Speaker, on Monday, July 24, I missed a series of rollcall votes—Rollcall Votes No. 555–562. Had I been present during those votes, I would have cast my vote in the following manner:

#### Rollcall Votes

Number:	Position
555 (Gejdenson Amendment to H.R. 70) .....	No
556 (Miller Amendment to H.R. 70) .....	No
557 (Final Passage of H.R. 70) .....	Aye
558 (LaTourette Amendment to H.R. 2002) .....	No
559 (Foglietta Amendment to H.R. 2002) .....	No
560 (Smith Amendment to H.R. 2002) .....	Aye
561 (Smith Amendment to H.R. 2002) .....	Aye
562 (Hefley Amendment to H.R. 2002) .....	Aye

#### GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2002, and that I may include tabular and extraneous material.

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

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.+

#### THE OVERALL TRANSPORTATION BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address an important issue on which we started the dialog tonight. Mr. Speaker, that involves the overall transportation budget. No matter what part of the country you are from, Mr. Speaker, it seems to me it is very important we look at an integrated system and not only make sure we improve our roadways in this country,

but also make sure we improve mass transit. That is why tonight I support the Foglietta-Fox amendment, which would have increased \$135 million for an operating subsidy.

Our mass transit system is the logical other half of our transportation network here in this country. While we need to improve roadways in certain areas and build new ones in still others, for those in areas that are suburban, urban, and rural, that depend on buses, trains, and subways to either be created or to be operated, we need to make sure we properly fund those kinds of programs.

□ 2215

It gives us the proper balance for our transportation system. Furthermore, it reduces gridlock and pollution, increases mobility. Many of our citizens across this country, Mr. Speaker, do not drive or do not have a vehicle at their disposal and therefore can take advantage of van pooling, transit systems, whether they are jitneys or buses, trains or subways.

The high-speed rail and the light rail are very important parts of our economy. They provide jobs, and they very much help make sure that transit works.

I will be working with our Commuter Caucus, people like the gentleman from Pennsylvania [Mr. FOGLIETTA], people like the gentleman from New York [Ms. MOLINARI], the gentleman from Virginia [Mr. WOLF], and others across this country and all parts of the U.S. House that represent all 50 States to make sure we have within our Commuter Caucus and for that matter those who are not yet Members and will become Members to be involved in this important quest.

I know that in my own district, where we have excellent train systems, we also have excellent bus systems, we need to have two new systems that the county commissioners have been working with me on, the State representatives and Senators, local businesspeople, and citizens across Montgomery County, PA. That is, to have a Schuylkill Valley Metro and a Cross-County Metro. The Cross-County Metro would go through 4 counties, Bucks, Chester, Montgomery, and Delaware counties outside Philadelphia and which strengthen the southeast Pennsylvania corridor not only for business but for students to get to school, for the seniors to go to senior centers, for people to shop, increase commerce and would be an excellent system and one that is really the way we should go for the 21st century. Hopefully the Cross-County Metro will be a reality not only in Pennsylvania but in other parts of the country.

We are also looking to a Schuylkill Valley Metro which would build a major highway in our county, and that is the 422 bypass.

I look forward to working on both sides of the aisle, the House and the Senate, Mr. Speaker, to make sure mass transit works along with the road system and to make sure we move this country forward on the rails, on trains, in subways and, yes, in cars.

I thank the Speaker and the colleagues tonight who have listened to our debate and hopefully will be part of our Commuter Caucus to make sure America keeps moving forward.

#### KEEP COPS IN THE STREET PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, tomorrow or Wednesday, the Congress will vote to deny 1996 funding for the President's Cops on the Streets Program. The 1996 funding for this Federal program starts in just 68 days. The reason why funding will stop is politics, pure and simple. Everyone except the GOP politicians agree that the Cops Program is a success. In fact, a recent survey showed that 95 percent of the police executives, 95 percent out of 220, want to keep the Clinton Cops Program and not go back to the House-proposed block grant program.

Police executives know what happened in the 1960's and in the early 1970's. The block grant program then squandered scarce taxpayer dollars on luxury items such as tanks, airplanes, real estate consultants, studies, police academies, just to say a few. Money was wasted and crime soared. Our cities, neighborhoods and taxpayers were the victims. Now the Republican Party wants to go back to these block grant programs, riddled with waste, fraud and corruption. Just when communities and cities in the past year have received over 20,000 cops and have witnessed a significant drop in violent crime, take New York City, for example. There is a 31-percent drop in homicides in this year. All across this country, rape, robbery, and assaults are down. One of the major factors contributing to this success in the Clinton Cops on the Street Program, more neighborhood policing. Here is a program that is contributing to the decrease in crime and less than a year later this successful program is being scrapped for politics. Here is a program that is efficient. Less than 1.5 percent in administrative cost. It is a single page to fill out the application form, not the cumbersome multipage, multifaceted, multi-bureaucratic review for a technical grant process, making police agencies jump from hoop to hoop, requiring grant writers, consultants and administrators.

Under the Clinton Cops Program, administrative costs are low, less than 1.5 percent. Money goes into law enforcement and more cops on the street.

If we look at the Commerce, Justice, and State appropriations bill which will be on the floor Wednesday, the gentleman from West Virginia [Mr. MOLLOHAN] will introduce an amendment which will restore the \$1.8 billion for fiscal year 1996 for the Cops on the Street Program. The money would come from striking that amount of money from the GOP block grant program in the Commerce, Justice, and State appropriations bill.

The Mollohan amendment would provide an additional 20,000 cops on the street over the next 12 months. Republican critics will say that what they want are local communities to decide on how to spend their law enforcement money. There is plenty of money for local block grants in the Commerce, Justice, and State appropriations bill. There is a half-billion dollars for law enforcement grants. The Byrne block grants can be used for 22 different programs, and each program has been specifically approved by this Congress and the Department of Justice to prevent the abuses that were in the 1960's and 1970's.

Mr. Speaker, underneath the current block grant program that we have as proposed by our Republican counterparts, in your community, if you are trying to rely on these funds to fight crime and if violent crime goes down in your community the following year, you would lose funds. So if you crack down and you help clean up your neighborhoods, prevent crime, underneath the block grant program proposed by our friends, you would see your funding go down. If you are in a police crack-down, you lose funding. The President and Democrats believe you must reward communities that effectively fight crime, not punish them.

When we have this bill up tomorrow or Wednesday, whatever day it comes before this House, I hope that all my colleagues will look very closely at the block grant program. I hope they will support the Mollohan amendment which will move \$1.8 billion back into the Clinton Cops Program. Having been a police officer myself for the last 12 years, before I came into this job, it always seemed like police officers, law enforcement were always at the end of the political game.

I remember being in the State Police in 1979 and in 1980 in which there was a budget cut. What did we do even though we gave up pay increases and that? They ended up cutting State troopers from our State, just like in 1979 and 1980 in Michigan. I know many of you said, "Well, that happened in Michigan. It won't happen here in the Federal Government."

Let me remind my colleagues on June 29, 1995, rollcall vote 458, on basically a party line vote, all but one Republican voted for the bill, you cut \$2.5 billion from the block grant program. Not only does politics come in when we

are talking about law enforcement, how we fight crime in Michigan, but it also appeared here on this House floor less than a month ago.

In my 12 years, I have seen politics play a vital role in how crime is fought, how officers are funded, and right now the pollsters tell us crime is the number one concern for the voters. Yet we are having proposals which will actually punish police officers for doing their job because they will get less money the following year to fight crime.

While we are dealing in a time of declining resources, we must put our resources where it will do the most good for the most amount of people. That has been time and time again in the Clinton Cops Program.

Don't just take it from me, but if you look at a list of who supports the Clinton Cops Program, the Fraternal Order of Police support it, the National Association of Police Organizations, International Brotherhood of Police Officers, International Union of Police Associations, Police Executive Research Forum, National Organization of Black Law Enforcement Executives, National Troopers Coalition, Police Foundation, National Sheriffs Association, Federal Law Enforcement Officers Association, and the U.S. Conference of Mayors.

Mr. Speaker, when we debate this bill on Wednesday before this body, I hope that the Members will support the Mollohan amendment.

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, August 31 will mark the end of a very distinguished career in the U.S. Army with the official retirement of Col. Jay McNulty. It also will mean the House of Representatives will lose the services of an individual who is the epitome of professionalism.

For slightly over 28 years, Jay has served in his Nation's uniform with great distinction. He served two tours of duty in Vietnam, first with the 11th Armored Cavalry Regiment (Blackhorse) and then the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). As a former armored officer myself in World War II and during Korea, I feel a special kinship with Jay because of our similar military duty.

Since 1993, Colonel McNulty has served as Chief of Army Liaison to the U.S. House of Representatives. I am sure my colleagues will join me in commending Jay for the many times he has been of help to them and their constituents. He has served the Army well in this position.

On a more personal note, I appreciate the excellent job Jay did in planning and making arrangements for our trip to observe the 50th Anniversary of D-Day in England and Normandy last year. I believe we had the largest congressional delegation to ever attend a single event, not to mention the many other delegations from other countries. The trip was a logistical nightmare, but thanks to Colonel McNulty and his dedicated staff it was one of the smoothest trips I have been on.

Jay, we will miss you and certainly wish you well in the future as you take on new challenges. We thank you for your service to the House and the Nation. You truly have been a credit to the uniform you wear.

#### BIOGRAPHY

Col. John J. McNulty III, was commissioned a lieutenant of Armor in March 1967. He holds a Bachelor of Arts degree from the University of Texas and a Masters of Science in Public Administration from Shippensburg University in Pennsylvania.

Colonel McNulty's assignments have been primarily with armored cavalry units, including separate tours in Vietnam with the 11th Armored Cavalry Regiment (Blackhorse) and the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). On six different occasions, he has commanded troop/company-sized units. Two of these commands were as an Exchange Officer with the British Army of the Rhine in Germany. In 1984, he assumed command of the 1st Squadron, 3d Armored Cavalry Regiment at Fort Bliss, Texas. In July 1986, upon relinquishing command, he was appointed Assistant Commandant of the United States Army Sergeants Major Academy.

In August 1988, Colonel McNulty was assigned to the Office of the Secretary of the Army as the Chief of the Congressional Inquiry Division in the Office of the Chief of Army Legislative Liaison. Since 1993 he has been the Chief of Army Liaison to the House of Representatives in the United States Congress.

Colonel McNulty is a graduate of the Command and General Staff College and the United States Army War College.

#### FRENCH NUCLEAR TESTS

**THE SPEAKER** pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise again to voice my strong opposition to a proposal recently announced by the President of France—that his government, i.e., the Government of France intends to explode eight nuclear bombs in certain atolls in the South Pacific beginning in September of this year—that's one nuclear bomb explosion each month for an 8-month period, and each bomb explosion is ten times more powerful than the atomic bomb dropped on Hiroshima, Japan—some 50 years ago commencing next month.

Mr. Speaker, may I ask the President of France, Mr. Chirac, why is he playing with the lives of millions of people of the world by starting another nuclear arms race?

Mr. Speaker, we will commemorate next month—when 50 years ago our Government decided to drop and exploded two atomic bombs on the cities of Hiroshima and Nagasaki, Japan at the height of World War II in the Pacific.

Mr. Speaker, the atomic bomb we dropped on the city of Hiroshima resulted in the deaths of some 140,000 men, women, and children of that city,

and with some 70,000 buildings either severely damaged or completely destroyed.

The very center of this atomic bomb we exploded on the city of Hiroshima resulted in temperature measurements in excess of 5,400 degrees Fahrenheit, and the explosion destroyed literally everything within the 1½ mile radius. As many as 28,000 persons die as a result of exposure to radiation, and also as a result of the nuclear explosion, the winds blew radioactive black rain and caused exposure of radioactive contamination to many others who were not directly exposed to the nuclear explosion.

Mr. Speaker, I am not going to elaborate further on the pros and cons as to whether our country made the right decision to explode these two nuclear bombs against Japan—however you want to argue this issue, but war has one basic mission in mind, and that is to kill your enemy. But in our present day, Mr. Speaker, man has devised such weapons of mass destruction that war has taken an entirely different perspective. One thing is absolutely certain, Mr. Speaker, nuclear bomb explosions do not discriminate against soldiers and civilian populations, especially when during the Cold War and perhaps even now—by pressing that nuclear button, both military and densely populated cities have become targets for mass destruction.

So, Mr. Speaker, I ask the President of France why does he want to explode eight more nuclear bombs to further contaminate the fragile marine environment in the Pacific Ocean—where an island community of some 200,000 Polynesian Tahitians and Europeans living in French Polynesia may face serious exposure to radioactive contamination from these nuclear explosions.

As I said earlier, Mr. Speaker, these eight nuclear bombs the government of France intends to explode in French Polynesia will only add to the very serious danger where this volcanic formation under the Mururoa Atoll has already been exposed to some 139 atomic explosions—to put it another way, Mr. Speaker, some 139 holes have already been drilled into this volcanic mountain that surrounds the rim of the Mururoa Atoll—some holes are as deep as 3,000 feet, and in each of these holes a nuclear bomb device was exploded within this volcanic mountain.

Mr. Speaker, one does not need to be an expert nuclear scientist to tell any person living in the Pacific Region that not only is this volcanic mountain seriously contaminated with nuclear radioactive wastes, but that this mountain is basically below sea level, and that underwater mountains are totally surrounded by ocean water. Mr. Speaker, that ocean water in the Pacific carries the most basic life giving form as the most vital marine life resource—plankton. Mr. Speaker, another serious dan-

ger to those since French nuclear explosions in these atolls has been a tremendous increase of *liguatera* poisoning of the coral reefs and a variety of fish and other forms of life common to any marine environment.

Mr. Speaker, I would suggest that the President of France can really demonstrate his capacity as an outstanding world leader by simply recognizing the fact that the government of France does not need to explode these nuclear bombs; our country already has the technology France needs to improve its nuclear capability, and I understood our nation has already offered to share this technology with France.

Mr. Speaker, with the combined nuclear capability of the United States, Great Britain and France—can anyone honestly believe a nation or group of nations can "win" a nuclear conflict? Mr. Speaker, this is why it is so important that the five nuclear nations—also the five permanent members of the Security Council of the United Nations to show real leadership and initiative by abolishing nuclear bombs testing and provide strict controls over the proliferation of nuclear weapons and prevent another unnecessary nuclear arms race—and on this the government of France has failed miserably to show real leadership among the nations of the world.

Mr. Speaker, I include the following three items from the Washington Post for the RECORD:

[From the Washington Post, July 15, 1995]

ANTI-NUCLEAR PROTESTS MAR BASTILLE DAY  
CHIRAC SAYS TEST PLANS IN PACIFIC  
UNCHANGED

SYDNEY, July 14.—Demonstrators around the Pacific opposed to French plans to resume nuclear testing held rallies and marches to try to spoil France's Bastille Day celebrations today.

But in Paris, President Jacques Chirac brushed aside the chorus of international protest and reaffirmed his commitment to go ahead with the testing, telling a Bastille Day news conference his decision was irrevocable.

Chirac said civilian and military experts had advised him unanimously when he took office in May that the tests were necessary to ensure the safety of the country's nuclear arsenal, complete the checking of a new warhead for France's nuclear submarines and develop computer simulation techniques.

"I therefore made the decision [to go ahead] which, I hardly need to tell you, is irrevocable," he said.

He repeated that France would sign and respect a complete test ban treaty next year and told French citizens the nuclear deterrent gave their "big modern country . . . political weight in the world."

Here in Australia's biggest city, Sydney, about 10,000 people shouting "Stop French testing" marched to a police-ringed French Consulate. Marchers, clogging four city blocks at a time, carried banners reading "Truffles not testing" and "Boycott products of France."

Expatriate Polynesians burned a French flag at a protest south of Sydney, and 1,000 people rallied outside a convention center in Canberra as the French ambassador went

ahead with an official reception. Protesters yelled "No more tests" at guests.

An Australian legislator presented a 100,000-name petition to the French ambassador calling for testing to stop, and unions hurt French businesses with a range of Bastille Day boycotts.

Air France cancelled Bastille Day flights between Sydney and Paris and Sydney and New Caledonia due to a 24-hour ban on French military planes and French airlines by transport workers.

In New Zealand, about 2,000 protesters dumped manure outside the French ambassador's Wellington residence and heckled the ambassador and luncheon guests by chanting "Liberty, equality, fraternity, hypocrisy."

About 2,500 protesters marched on the French Embassy in Fiji's capital, Suva, and presented a 50,000-signature petition to the ambassador. Placards read, "This is not Hiroshima" and "If it is safe, do the tests under Chirac's nose."

On the other side of the Pacific, protesters marched in Lima, Peru, and Bogota, Colombia.

[From the Washington Post, July 15, 1995]

#### A TIRED DEFENSE OF NUCLEAR TESTING

To pirate Randy Ridley's colorful phrase in "Why the Test Ban Treaty Fails" [op-ed, June 29], the "overripe remnant of the Cold War" is not the Comprehensive Test Ban Treaty, as he states, but any further nuclear testing.

Even when the United States and the Soviet Union based their security on mutual assured destruction, they tried to negotiate an end to nuclear testing and in 1978 came close to success. After Moscow had accepted the American and British position on key issues like indefinite duration, on-site inspection and no exception for so-called peaceful nuclear explosions, the United States drew back because of the same flawed reasoning put forward by Mr. Ridley.

Now, when there is no Soviet Union, and when Russia desperately needs friendship with the West, the arguments for continued (or resumed) nuclear tests merit even less attention.

After nearly 2,000 nuclear tests, the United States has accumulated more than sufficient data to ensure the safety and reliability of the U.S. nuclear arsenal. This vast experience would in fact lock in a tremendous U.S. advantage in stockpile maintenance. Renewed U.S. testing would instead automatically bring the British back into the game and impair our capacity to encourage restraint by France, China and possibly others.

Even more important, our espousal and the successful completion of a Comprehensive Test Ban Treaty would bolster our objective of preventing nuclear weapons proliferation. Just last month, sustained and adroit efforts brought about a consensus for the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT). The resolution on extension expressly noted the goal of completing a "comprehensive nuclear-test-ban treaty no later than 1996."

To renege on this promise would impugn the good faith of the United States and put the Non-Proliferation Treaty in renewed jeopardy. The same adverse effect would be created by any attempt to change the negotiating objective from a complete nuclear test ban to a treaty creating a threshold of as much as half a kiloton, as reportedly advocated by some within the Clinton administration.

Even after START II is fully implemented, the United States will have 3,500 strategic

warheads on intercontinental ballistic missiles, submarine-launched ballistic missiles and bombers. No country contemplating a nuclear attack on the United States could ever assume that all of them, many of them or even any of them would fail to work. Our nuclear deterrent would remain not credible but irrefutable.

We made a solemn, formal commitment to achieve a Comprehensive Test Ban Treaty no later than 1996. We did so because we believed this to be in the interest of our own and international security. The decision was a correct one and must not be repudiated.

#### LEAVING HIROSHIMA TO FUTURE HISTORIANS

To the Editor: Now that the Enola Gay exhibit has been mounted at the Smithsonian, confrontation continues. I write as an ambivalent observer in that my outfit, like so many, was scheduled for the invasion of Japan in August 1945; but after the first flush of relief at being spared, again like so many, I became an opponent of nuclear bombs.

There is not likely to be a last word for years. If there were one comment to make at this time, it might be that given by Golo Mann, the German historian, in a 1959 interview in Switzerland.

Dr. Mann, who had just published a distinguished history of the Thirty Years' War, was asked why, familiar as he was with more recent German history, he did not write about World War II.

Said he, "There are no refugees from the Thirty Years' War."

While millions of Japanese and Americans, combatants, and not, survive and remember World War II, we might as well put history on the shelf and publish nothing until 2045. At that centenary, when all historians will never have been there, they can fight a bloodless academic war without the intrusive oversight of those of us who were.

Milton R. Stern, Sarasota, Fla., July 10, 1995.

#### WHAT FRANCE RISKS WITH NUCLEAR TESTS

To the Editor: I commend you for calling on the French President, Jacques Chirac, to show courage and statesmanship by canceling France's proposed nuclear tests in the South Pacific (editorial, July 5). His announcement has caused outrage in Australia and other South Pacific countries and is provoking a response from organizations around the world from Greenpeace to the European Parliament.

But France's behavior should be of concern to us all, not only because of what is happening in the Pacific, but because of the threat to nuclear non-proliferation and the comprehensive test ban treaty.

With the end of the cold war, security priorities have changed. The threat is now from primitive nuclear weapons developed by states beyond the international community's scrutiny. Widespread development would likely see such weapons used in a regional conflict or in state-backed terrorism. Large stocks of sophisticated nuclear weapons and old theories of deterrence are no answer.

The indefinite extension of the non-proliferation treaty last month is one very important way the international community can protect itself against this new threat. A comprehensive test ban treaty preventing upgrading or developing of new nuclear weapons is another one.

Although the French said they will sign a comprehensive test ban next year, their resumption of testing undermines this commitment. As part of the nonproliferation negotiations two months ago France agreed to exercise "utmost restraint" on testing be-

fore a test could be signed. Announcing a resumption of testing so soon after such a commitment is seen by many nonnuclear states as highly provocative and will harden attitudes.

Don Russell, Ambassador of Australia, Washington, July 13, 1995.

#### OVERKILL RESPONSE

To the Editor: The French Navy's raid on the Greenpeace ship Rainbow Warrior II (news article, July 10) is a fitting prelude to France's coming nuclear tests in the South Pacific.

Paris has shown disdain for protests against setting off thermonuclear explosions in a part of the world often described as a paradise on earth. How in character that the French respond to the presence of a rickety protest ship with tear gas and helmeted commandos.

But, of course, this is an improvement over simply blowing the ship up as the French did a decade ago, when the Rainbow Warrior I was setting off on a similar protest journey.

David Hayden, Wilton, Conn., July 10, 1995.

□ 2230

#### HOPES, DREAMS, AND ASPIRATIONS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I rise this evening to talk about hopes and dreams and aspirations. As we come now to almost 7 or 8 months into this 104th Congress, where do we find ourselves? Where are our hopes and dreams and our aspirations?

First of all, in terms of our hopes, we have a situation on Medicare where we would hope that we did not have a proposal that took away choice from our seniors. But today we have a proposal that includes \$270 billion in cuts, and then it includes, in the Senate proposal, to place a burden on the backs of our senior citizens, to eliminate their choice and the reasonable decisions that they make to select a medical provider by vouchering them their Medicare services.

I would ask that as we look toward the future, that the hopes would be based more upon a bipartisan approach to solving the Medicare problem; that we would realize that although we all look to provide security and safety for Medicare into the 21st century, we cannot voucher our way and allot our way into that safety.

My hope would be that we could come to the bipartisan table and recognize that fraud and abuse are ways of downsizing the problems of Medicare, but the loss of \$270 billion is not.

I would hope that we would be able to say to the senior citizens that we would work collectively with some of the suggestions that have been made in order to ensure a system that works into the 21st century. I would hope that we could say that to our rural hospital systems, our urban hospital systems,

as well our local and State governments who will bear the burden of this loss.

And then I would say that maybe we can keep the dream alive, and that is the dream of Dr. Martin Luther King, and not divide this House on the issue of race and affirmative action.

I would hope that this week, beginning July 24, we would not have a frivolous and fruitless debate on eliminating affirmative action tied to the Department of Defense appropriation bill without any manner of hearings or documentation that the abuse has been such that requires this kind of amendment.

I hope that this Nation realizes that race is still a factor, that discrimination is still prevalent, that the dream of Dr. King is trying to survive, but it is not yet there. And I would hope this House, in its wisdom, the leadership of this House, would not allow such a destructive, divisive amendment to come to the floor, especially when no documentation in this House has yet been established as to which direction to go to respond to the concerns of the American people who, I believe, believe in equality for all.

And so the dream this evening is that we would come together recognizing that some of our dreams have not yet been met and that affirmative action is not the fight to take the U.S. Congress and particularly the House of Representatives in its most imperfect sense, by an amendment that has no justification and has no reason to eliminate this very vital program that allows people to have equal opportunity.

And then I hope we will reach to our aspirations, and that is that we can likewise come together in a bipartisan manner as we look towards space, as we understand our destiny as Americans, as we realize that the space station is not just another piece of iron machinery, but it is based upon the aspirations of Americans.

It emphasizes our ability to explore and search and find and discover. It helps us in medical research; it helps us determine the maximum capacity of the human body; it helps us understand where we will go in the 21st century as it relates to science.

It is not a space station of local regions; it is a space station of America. And just as we aspired to go to the Moon and looked in hope and dreamed about being an astronaut and celebrated the successes when Americans made their first steps on the Moon, here now we have an opportunity to associate and cooperate with our European partners, our Russian partners. But most importantly, Mr. Speaker, we have an opportunity to allow our children to dream, to then work, but to create better opportunities and a better quality of life for all Americans.

Mr. Speaker, I conclude by simply saying, let us have hope for a better

Medicare system to save it for our senior citizens, let us dream for equality for all Americans and thereby eliminate divisive talk about affirmative action and race in this Nation, and let us aspire, yes, and dream for the 21st century so that we too can find out what makes the space tick, if you will, and find a better way to live in all the research that will be brought about through the space station.

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

#### THE IMPORTANCE OF AMERICAN AGRICULTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. LAHOOD] is recognized for 60 minutes as the designee of the majority leader.

Mr. LAHOOD. Mr. Speaker, I want to talk to the House this evening about a subject that does not seem at times to be the sexiest topic around here, although I think at times it does draw a great deal of emotion from many of the Members as was demonstrated when we began to and finished the debate on the ag appropriation bill.

It is a subject that I know many Members are very interested in and that is the subject commonly referred to as agriculture.

When I was running for election to this House, I told the people in my district that I wanted to serve on the Committee on Agriculture because of the importance of agriculture to my district, to the country, but because my district has had a very rich heritage of representation on the ag committee from former Congressman Paul Finley, who was the ranking member of the Ag Committee when he left the Congress in 1982; Congressman Ed Madigan, the late Ed Madigan, who was the ranking member and then went on to serve as the Secretary of Agriculture; and then my former boss and mentor, the former Republican leader, Bob Michel, who was on the ag appropriations subcommittee for 25 years.

We have had a rich heritage in my district of representing agriculture, and that is something that I wanted to continue.

And there are three goals that I want to lay out and say to the American people that we need to strive for as we mark up the ag bill: No. 1, farm programs should not be singled out for spending cuts. All Federal programs should be on the table. Agriculture is willing to take its fair share, and I know that.

From talking to the farmers in my district, I know they are willing to take their fair share. They have taken their fair share over the last 10 years and when you look at the decreases in agriculture programs, while all other programs of Government have increased, agriculture has taken its fair share.

No. 2, spending cuts should go to reduce the deficit, not to spend on other programs, as has been the case in the last 10 years.

And finally, Congress must deliver on promises to roll back the tidal wave of burdensome regulation, provide consistency and predictability in our export markets and restore fairness and sanity to our Tax Code. I think if we could meet those three goals, we would be serving agriculture well and serving all Americans.

I am joined this evening by three distinguished colleagues from the House of Representatives, and I would like to provide an opportunity for them to sound off for a minute or two about some important issues related to agriculture in their districts.

I think what I would like to do is yield to the gentleman from Washington [Mr. NETHERCUTT], who comes here from an agricultural district, and having been appointed by the Speaker of the House to chair a task force for those members who do not sit on the Ag Committee and are not intimately involved in the everyday workings, as some of us are, for whatever comments.

I yield to the gentleman from Washington [Mr. NETHERCUTT], and welcome his comments with respect to what he has been doing with his task force and other matters that he would like to address the House with.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman very much not only for yielding but for his participation as a Member of the Task Force on Agriculture that Mr. GINGRICH and Mr. ROBERTS, the chairman of the Ag Committee have approved as something that is vitally important to the agriculture industry in this country.

You have been very involved in this task force, Mr. LAHOOD, and I really appreciate your input and your advice and your good counsel.

There is no question but that agriculture is extremely important not only to my State and my district, but these United States of America. We, I think, are many times in this country too easily swayed to say that all farmers are wealthy and that they do not need any assistance or participation with the U.S. Government; that is just not the truth.

Agriculture has gotten a bad rap over the years, and we are here, I think, representing our respective districts to try to bring some perspective on the issue of what agriculture does for America, and what the government can do to assist in a partnership with agriculture to make America more successful.

We do have a wonderful task force, about 33 Members, freshmen and others, who are not from the Committee on Agriculture but are from agriculture-producing districts that care about agriculture, and that care about rural America.

And that is really what agriculture is about, not only to America as a whole and the exports that agriculture brings to this country and the benefits of exports, but the benefits to rural America. And that is really the middle part of this country and really all parts of the Nation, especially the Northwest, which I am happy to represent and proud to represent.

I am from the 5th district of Washington, as you know, and we have a tremendous wheat market there. We have oats and barley, we have apples and cherries and about every agriculture product we can imagine. We export about 90 percent of our agriculture products that are grown in my district, so programs that enhance exports and assist in the balance of trade in America are very helpful not only in my district but the rest of the country.

There are a couple of programs that I think are worthy of discussion tonight for just a few minutes, and I am not going to take too long. The Export Enhancement Program is a program that was developed in 1985 as part of the farm bill, which was a vehicle for enabling American agriculture to compete with foreign governments who assist their farm sectors in reaching worldwide markets.

As I said, 90 percent or so of the wheat that goes from Washington State is exported, and it results in millions and millions of dollars to the balance of trade. It provides 30,000-some-odd jobs in our State and it affects exports in virtually every State in the United States of America.

The Export Enhancement Program is a vehicle for America to compete with foreign governments where they are unfairly competing in the world market for ag sales. In 1980, you may remember President Carter imposed the embargo on the Soviet Union. That was devastating to agriculture because it took away by unilateral action of our country the ability to sell in foreign countries like the Soviet Union.

As a result, our market share in the Soviet Union, the former Soviet Union, and other countries throughout the world has suffered. The Export Enhancement Program, which was developed in 1985 tries to remedy this imbalance and this inequity.

This year, as we passed the Agriculture appropriations bill just last week, we provided \$800 million in assistance for all agricultural commodities that are eligible for Export Enhancement protection and that is going to help farmers and rural America, and it is going to help the American economy.

Those are the kinds of programs that I think get distorted in the media and get distorted in the debate on this House floor, and that is unjustified. The Export Enhancement Program is a minimal way that the Federal Government can assist agriculture in the United States.

We have to have our American farmers able to compete in these world markets not only by Export Enhancement Assistance by the government, but in the area of research. Most small farmers and cooperatives of farmers are unable to garner the support and the financial commitment to conduct the very extensive research that needs to be done so that we can compete in markets like China and Japan and Australia and other places.

The U.S. Government has a role in providing research funds, and we are doing that in this agriculture appropriations bill.

We also want to make sure we promote our markets worldwide. Other countries promote their products in America and throughout the rest of the world. Our country should do the same. There is a minimal amount of money in the agriculture appropriations bill to do that, so I think we all have to be aware and take a part of the education requirements that we have to make sure America understands the importance of agriculture.

□ 2245

It is not a sexy subject or an exciting subject, but it is a very vital subject that is very, very important to millions of Americans around this country.

I want to thank you for allowing me to have a chance to talk a little bit about the export enhancement program. I want all the Members to remember that particular program and support it. The Market Promotion Program is a good, wise use of American tax dollars, and ag research is very, very important to allow our farmers to compete in worldwide markets.

Mr. LAHOOD. I thank the gentleman from Washington for bringing out those important points, and I wonder if the gentleman would just spend another minute or two talking about your task force and what you see your task force doing now that we are finishing with the ag appropriations bill, but we still have to mark up the authorization bill and authorize a number of programs, how you see your task force working, and then ultimately reporting to Speaker GINGRICH and the House on what you have been doing.

Mr. NETHERCUTT. Well, that task force, I think, is a very import one because we passed the appropriations bill just last week, but we have the so-called farm bill. Every 5 years as the gentleman knows, we reauthorize farm programs and farm policy in this country, which includes food stamps and Women, Infants, and Children funding as well as commodity supports and price supports and other programs within the Department of Agriculture.

Our task force is mobilized to the point where we are bringing a diverse range of views to the Committee on Agriculture as it formulates a 1995 ag

bill, a farm bill for the next 5 or 7 years. So we want to have input as nonmembers of the Committee on Agriculture to that committee and let you all know and others know that agriculture, whatever the particular aspect may be, is very important, and we want to have a voice in the formulation and preparation of the ag bill. We will be meeting periodically in this House of Representatives. We will be holding public meetings throughout our respective districts across the country to have input from the farmer and the banker and the local community person who depends on agriculture to make sure that the Committee on Agriculture is clearly aware of our views and America's views on what a farm bill should look like in 1995 and beyond.

At a time where we are feeling tremendous budget pressure on agriculture, I think we need to have that extra input, and I am very thankful to all the Members who are part of this ag task force as we form these various opinion discussions and have a chance to have input into the process. We have not had that before to the extent that we will this year, and I thank you and Chairman ROBERTS and everybody else, Speaker GINGRICH as well, who cares very deeply about agriculture, and so that we have a strong agriculture policy. I think that, in a changing world, we want to be sure that we use good judgment as we form a new farm bill in 1995 that affects millions of people across this country.

Mr. LAHOOD. I thank the gentleman very much for his contributions.

Two other gentlemen have joined us, one from North Carolina, Mr. JONES, and one from Georgia, Mr. CHAMBLISS, and both of you gentlemen were involved in the discussions as we were talking about the ag appropriations bill, and I know that you will be involved as we mark up the 1995 farm bill. Each of you comes to the House representing a different part of the country in a sense and also a different region of the country and certainly different interests as they relate to agriculture, and I think it would be interesting for you to sound off for a few minutes about the kind of interest that you have, one involving tobacco in North Carolina, one involving peanuts in Georgia, and two areas that I am sure are very misunderstood by the American people and by many people in this House, by the way, and I think it would be enlightening.

I yield to the gentleman from North Carolina for whatever comments he may have with respect to tobacco, to agriculture as it relates to your district or other matters related to this.

Mr. JONES. I thank the gentleman from Illinois. I am delighted to be part of your program tonight.

I also serve on the Ag task force. I am not on the Committee on Agriculture, even though in my third district of North Carolina agriculture is extremely important, from tobacco, which we grow more tobacco in my district than anywhere in the world, hog farming, turkey farming, corn, peanuts, not to the degree of the gentleman from Georgia. All of this is very important to my district.

I appreciate having the opportunity as you know, with the Durbin amendment, I guess our colleague from Illinois, that I think took a shot, if you will, at tobacco farmers. I just wanted to give you tonight some brief information on my district and my State, because, as you said, so many people throughout America are just not as informed as I think they should be about the tobacco program as it is and also what it means to this Nation.

Most of us from North Carolina feel very strongly that youth, people 18 years and younger, should not be smoking cigarettes, and there is a State law that prevents that from happening. But we do feel adults, those 18 years and older, it is their constitutional right to make a decision whether they want to smoke or not. I do not smoke cigarettes. I do not have any tobacco allotments. But my wife does smoke, and that is her privilege.

But what we feel that this really is coming down to is a constitutional right, if you will, for an individual to make that decision whether he or she wants to smoke.

Let me tell you just a few facts about my district and my State, and then after the gentleman from Georgia speaks, I will be glad to answer any questions from you.

In my district alone, which are 19 counties, there are 11,500 tobacco farms in my district, in 19 counties. The average tobacco farmer in my district farms less than 4 acres, so hardly can he or she be considered a corporate entity, if you will. The small tobacco farmer also contributes more than \$30 million annually in various assessments. Tobacco growing requires about 250 man-hours of labor per acre harvested. Let me repeat that real quickly, 250 man-hours of labor per acre harvested.

By comparison, it takes about 3 man-hours to grow and harvest an acre of wheat.

The local and State taxes levied on the tobacco farmer, which accounts for \$250 million in North Carolina, is used to make improvements to infrastructure, schools, community projects, churches, that again we are just talking about my district alone. Again, remember, this is a freedom-of-choice issue with the individual that would like to smoke, the adult male or female.

In the State of North Carolina, the tobacco industry is one of the most sig-

nificant economic forces in our State. The State leads the Nation in growing tobacco, warehousing, manufacturing, wholesale, triad of tobacco and tobacco products. The State employs, these are tobacco workers now, to the gentleman from Illinois, 154,713 individuals that are employed that work in tobacco at an estimate of \$1.6 billion. Also, in addition to the 154,000 people that work directly with tobacco, we have 260,000 people that have tobacco-related employment that earn a total of \$5.8 billion. More specifically, one in 12 people are employed by the tobacco industry in the State of North Carolina.

So if you look at what the FDA Director, Dr. Kessler, and I say loosely, and I will talk about that a little bit later, if you will, that wants to classify nicotine as a drug, which we think he is way out of bounds on that, in that position, when I share those numbers with the people that are employed and what it means in salaries and revenue, the tobacco industry in North Carolina alone contributes \$2.7 billion annually to the Federal Government in tax revenue, an additional \$582 million to the State of North Carolina.

Just a couple of other points, then I will be glad to yield to the gentleman from Georgia. Let us talk about the Federal Government and what the tobacco industry and growers in my district in the South mean to the United States Government. In 1994 the Federal excise on cigarettes grossed a total tax of \$5.7 billion. Federal, State, and local taxes on cigarettes in the year 1994 amounted to nearly \$12.5 billion or \$49 per man, woman, and child. That is a great deal of money.

Every year, the Federal Government counts on \$25.9 billion in tobacco-related revenues, compared to the approximately \$16 billion it costs the USDA to administer the program.

The reason I share those figures with you and the gentleman from Georgia, which you both know, to begin with is that so many times the citizens of this United States do not realize what the tobacco industry means to the Federal Government. Quite frankly, in this era of budget cutting, as we should be doing, and I am a new freshman Member, as you well know, and I support all the budget cuts, how in the world would we make up \$25.9 billion in revenues that are generated by the tobacco industry? Would it go back to the taxpayer? I think the taxpayers would not like that at all.

So, in closing, and I look forward to talking a little bit later about the FDA and their regulations and how they, Mr. Kessler and the Clinton administration, are turning on nicotine, trying to designate it or classify it as a drug, which we think it should not be, and how they are dropping the ball, meaning taking 14 years to approve a pharmaceutical company that is trying to develop a drug that is trying to save someone's life.

I hope the gentleman from Illinois will pick this up a little bit later, but I am delighted to have a few minutes to share some of these facts with the individuals that might be watching us tonight to let them know that tobacco is a freedom-of-choice issue for the adult that would like to smoke, and what it does in generating revenues for the Federal Government, State and local governments.

Mr. LAHOOD. I thank the gentleman from North Carolina. I want to give an opportunity for the gentleman from Georgia to talk about another program that we will be working on as a part of the 5-year farm bill authorization, and certainly was an issue that came up in the ag appropriation bill, maybe not highlighted as much as it has been in years past, but it is a program that I know is misunderstood by the American people, but it is a very important program that has to do with the peanut program, and I know that there are other areas that you are interested in.

But I think it would be enlightening, if you will, for the American people to have some sense of some of the issues that revolve around that particular program and any other issue that you would like to enlighten us about.

I yield to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. I thank the gentleman from Illinois for yielding to me.

It has been a real pleasure to serve on the House Committee on Agriculture since I have been here from January 4 forward, and probably the greatest pleasure that I have in serving on that Committee on Agriculture is the fact that I get to sit next to you in our full committee hearings, and I so much enjoy the gentleman's comments on the side about what is going on in the hearings, and it is thoroughly enlightening to hear the gentleman from Illinois make hear the gentleman from Illinois make his comments about what the witnesses say and particularly what they do not say. It has been a real pleasure.

You are correct, I do come from a peanut-producing district. My State of Georgia produces 42 percent of the peanuts that are grown in the United States. The United States is the third largest peanut-producing country in the world right now, and my district, the Eighth district of Georgia, is the second largest peanut-producing district in the United States, the district that adjoins me, the second district, being the largest district.

I come from a very strong agricultural background. I come from Colquitt County, Georgia, the most diversified agricultural county east of the Mississippi River. We not only grow peanuts, we grow an awful lot of cotton, tobacco, corn, livestock, cattle, all sorts of products. In fact, my son-in-law is a farmer in Colquitt County. He grows a little bit of peanuts, a little bit

of tobacco, primarily produce. We grow a lot of squash, peppers, cabbage, eggplant, about any kind of produce you can imagine. I do come from a very strong agricultural background.

I talked a lot on the campaign trail last year about the fact that the agricultural economy of this country is still the backbone of this Nation's economy, and without a good strong agricultural economy, this country is in real trouble. You know, what makes it so interesting for the four of us to sit here and talk about this, I mean we have got somebody from Illinois, we have got somebody from Washington, somebody from North Carolina, somebody from Georgia. All of us, really, from an agricultural standpoint, we come from varied backgrounds, but we all believe in the same thing, and that is a good strong agricultural economy, and I believe in the corn program just as much as you do, and you have been a strong supporter of the programs in my district and Walter and George likewise. I think that is what makes this House such a great institution that we can bring those kinds of ideas from all over the country together.

Let me just dwell for just a minute on the peanut program, because as you mentioned, it came under fire a little bit last week. It has every year in this House of Representatives for the last several years. Some people in leadership positions have come out strongly in opposition to the peanut program.

□ 2300

Let me just tell you, those folks really have never been out to south Georgia to see peanuts grown in the field or see the farmers that are growing those peanuts, or else they would have a much greater appreciation for that program than what they have.

We have an awful lot of folks who sit up here in their ivory towers in Washington and New York and other think tanks in this country and criticize not only the peanut program, but all other agriculture programs as being bad for the economy of this country and something that we need to do away with.

Mr. Speaker, those folks that sit in those ivory towers have never gone out and grown a garden, they do not know whether those peanuts grow on a tree or underground, much less how a cornfield looks or how a cotton field looks. The folks who are out there on a day-to-day basis and driving tractors and planters and harvesters, those are the folks that make America go, and those are the folks that we in this House need to concentrate on, and those are the folks that we are concentrating on.

I got carried away and I apologize. But the peanut program is a very complex and complicated program. It is concentrated on a small area, from Texas basically, although there is a little bit grown in New Mexico. It moves eastward all the way to the coast, with

the peanuts primarily being concentrated in the Georgia and Alabama area, the largest number of them.

Mr. Speaker, the peanut program that we have in place now is a supply side managed system, as are all farm programs. First of all, let me dispel one myth; that is, the peanut program is not an expensive program. People that are critics of the program talk about how much money it costs and if we did away with it, how much money we would save. That is a real myth. The peanut program itself has cost the American taxpayer an average of \$15 million a year over the last 10 years. That pales in comparison, not only to other farm programs, but other programs. That is not a large amount of money.

The myth that the peanut program costs the consumer money at the grocery store is something else that I want to dispel. We have had testimony by two people, one who is a manufacturer, and one who is the current Secretary of Agriculture, over the last several months who have been asked the specific question, if the peanut price were reduced, would that decrease the price of peanut products to the housewife at the grocery store. Both of them have been directly and emphatically said no, it would not.

We get a lot of criticism about the fact that the peanut program costs the taxpayer or the housewife \$500 million a year, and that is simply wrong. Again, it is those folks that are sitting in those ivory towers that are making those off-the-wall statements that have no idea about what they are talking about.

The program is more complex because of the fact that it is a quota-type system. You will hear people stand on the floor of this House during our debate over the peanut program in September and they will tell you that the only way that you can grow peanuts and get the highest price for them is to have a Federal license. Well, being a supply-side program, it is controlled by the Federal Government. The Federal Government decides who has quota peanuts and who does not.

Anybody can grow peanuts. There is simply no restriction on anybody from growing peanuts. There is a restriction on those folks who are allowed to participate in the program, the same way as there are limitations on folks going out and building a radio station and operating a radio station, operating a TV station, building a hospital, operating anything where you are required to get a license. There are controls that come out of the Federal Government.

So the peanut program is something that has received unfair criticism because of the myths that are outstanding out there.

Be that as it may, the folks who are involved from a grower, manufacturing and a sheller standpoint have been

working on reforms in the peanut program for the last eight or nine months since I have been elected to Congress and we have been working very hard on it. We have met on a regular basis time and time again to make reforms in the peanut program that number one, are going to move it to a no-net cost program so that it would no longer cost the American taxpayer one dime.

Second, we are going to make it more market-oriented. We are going to do things such as allow for the sale and the transfer of peanut quota across county lines, so that anybody who wants to get involved in the peanut growing business with quota peanuts can do so. They simply make the same investment that those folks who now own quota have made over the years.

We are also going to move the peanut program into the 21st century where we will have to comply with the terms of NAFTA and GATT. We know that all farm programs have got to transition to that point, and we are going to be able to do that through the implementation of a more market-oriented system.

The third thing we are going to do is we are going to continue to provide a safety net to the farmers of this country who grow peanuts to ensure that they are able to continue to grow them and to make some sort of return on the investment that they have made. Those are the types of things that we are doing, and it is a very complicated program, as are all farm programs.

Mr. Speaker, we have a great leader in the gentleman from Kansas, Mr. PAT ROBERTS, who is moving all of us on the Agriculture Committee towards designing farm programs all across the agricultural spectrum to allow us to move into that 21st century with a good, solid farm bill over the next 5 years. I am kind of excited about it. It has given the gentleman from Illinois [Mr. LAHOOD] and myself an opportunity to be a part of what I think is implementing the most important farm bill that we have ever had to deal with in this country, because it is a farm bill that is going to dictate how our children and our grandchildren are able to farm for the next generation.

Mr. LAHOOD. I appreciate the comments of the gentleman from Georgia, and your contribution here in trying to enlighten those of us who need enlightening about that program and other programs that we will be considering as a part of the 1995 farm bill.

Our time is limited here. Let me throw out one other issue and get a response. I think the thing that drives people, particularly those in agriculture in my district up the wall, if you will, or drives them a little crazy is this idea of overregulation, the idea that some agency of the Federal Government can come in and designate, for example, a part of their land as a wetland, or they can designate it as an

area that cannot be used for growing crops.

I have heard, like so many of the other people in this House, and Mr. CHAMBLISS, I am sure that you hear the complaints about overregulation. We passed a good regulatory reform bill. We need to do more. We are going to be working on reform of EPA and OSHA and FDA and some other agencies that have frankly gone too far, and try and bring the pendulum back, bring back some common sense.

In the Transportation Committee we passed a clean water bill which I think brings common sense back to this idea that the Government can come in and just dictate to local government or State government or to an individual farmer or rancher that they have to do certain things. I know that this whole definition of wetland has been a real problem in the area that I come from, and I would be curious to know if Mr. JONES from North Carolina or Mr. CHAMBLISS from Georgia has encountered that from any of your constituents that you could cite for us as an example or two of some areas where we have just gone overboard in some of these things.

Mr. JONES. If the gentleman would yield a moment, I will be glad to share with you that 60 percent of my district, which again is the third district of North Carolina, is considered wetland, 60 percent. We held a congressional hearing about 4 months ago down in my district, Congressman POMBO from California and the members of the committee, and I also serve on that committee. We had a public hearing, and I will never forget the story of one farmer. There are many stories I would like to share with you, but because of time I will share this one with you.

A young farmer who was probably in his late 30s had inherited farmland from his father and grandfather. He had been farming that property up until about 6 years ago. Then, all of a sudden, from the bureaucracy, they determined that part of that farmland was wetlands. So he does not farm any more. He cannot afford to.

He made a very compelling presentation to the committee. You are absolutely right, the Endangered Species Act, the Wetlands Act, all of these regulations have gone too far, and all that this new majority is trying to do, which I am delighted, as you two gentlemen are, to be part of this new majority, is to find some middle ground, some balance.

I do not know anyone in our party that is not concerned by what is truly, I use that word truly, an endangered species or wetland. But we have seen the extremists go too far and we are trying to bring it back to a balance, and I can assure the gentleman from Illinois and the gentleman from Georgia that the farmers in my district are extremely pleased to see this new major-

ity deal with these issues and try to find some fairness.

Mr. LAHOOD. The gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, one thing that was somewhat surprising to me when I got up here, I thought that by being from Georgia, we are pretty close to sea level, we have the Okefinokee Swamp not too far from my district. I thought we were the only ones that had wetlands problems.

□ 2310

Mr. CHAMBLISS. Mr. Speaker, I come up here and I find out that the gentleman from North Carolina says 60 percent of his district is; and Illinois has severe wetland problems; Idaho, North Dakota, all over this country folks have wetland problems, and it is a very expensive issue to deal with. It is one issue that we have got to provide relief to the agriculture community. It is one area that we can provide relief that will make them more efficient farmers and allow them to produce a crop at less cost, because we know that we are going to have less money to deal with as far as farm programs are concerned. It is one thing that we can do to make the agricultural community a better place to make a living.

We have numerous situations down in my area regarding fields where we have center pivot irrigations. When they go to make their complete circle, they have one area out here that the folks have come in from the Soil Conservation Service or the Corps of Engineers and said this is a wetlands and you cannot run your irrigation system over that area. What they have to do is to run that system for the 199 acres to this point, and bring it back around the other way to that point, and bring it back around, instead of going all the way through an area that is really just a low spot in a field, but yet it has been designated as wetlands.

It is just as frustrating as it can be to the American farmer to have to deal with those types of regulations. That is the type of regulations that we dealt with in our Contract With America, and that I am hoping will get through the Senate side over there so we will have something positive to take back home and say, folks, we know we have to change these programs. We know we have less money to deal with, but this is what we are doing to offset that and to make you a more efficient farmer and allow you to continue to make the same money you are making even though you will not have as much money from the Federal programs as what you may have had in the past.

Mr. JONES. Would the gentleman from Georgia yield for a moment?

Mr. LAHOOD. I am happy to yield to the gentleman from North Carolina.

Mr. JONES. Mr. Speaker, I would relate to the gentlemen from Georgia and Illinois a little story.

About 2 years ago a good friend of mine, who is the President of a community college in North Carolina, had a situation develop, because about 6 or 8 years ago the environmentalists come down and designated or said that there are cockaded readheaded woodpeckers in a group of pie trees on this community college campus. In 1992-93, obviously, again, I am going back six years ago when they told the President of the college that you have this cockaded readheaded woodpecker, and some of us have trouble saying that, in some of your trees, well, the college was growing and they had determined that they needed to clear some land to put up a new school building on campus. They cut down pine trees.

This gentleman is a farmer by trade. Again, he is president of a community college. I do not know of anyone who cares more about family and land than this individual. It happened a nest of the cockaded readheaded woodpeckers in one tree was cut down, and I would advise the gentleman from Georgia and Illinois, that my friend was fined \$100,000 because that one tree went down with that nest in it. Again, that is why the people, not only farmers, but the people are looking for some fairness and balance in these rules and regulations.

That is just one example. I am sure you will have many more.

Mr. LAHOOD. Mr. Speaker, there are many other examples, I know, and I think, as we get into the farm bill, I think what the farmers from your part of the country and my part of the country want is fairness.

Many of the people in agriculture are for a balanced budget. They want it. They know that it will help them, and they know it will bring down interest rates, improve their ability to borrow the money to put their feed and seed into the ground, and so they are committed to that, but they want it to be fair and balanced. They want less regulation, they want less rules, they want less government intervention, and they want an export market.

If we can deliver on that through our farm bill, I think we will have done a great deal as the 104th Congress moves ahead and really tries to improve the idea that agriculture is important; that people work hard at it. They want to make a fair wage. They don't need a lot of government involvement, and that is what I am hearing from the folks in my district.

I am going to wrap up here.

Mr. CHAMBLISS. Would the gentleman from Illinois yield?

Mr. LAHOOD. I would be happy to yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, let me just mention one thing we have not really touched on, and I know there are a lot of folks out there looking tonight that really are like so many Members of Congress, and they have no concept

of why you need farm programs. All they hear about are these farm subsidies. Let me just say that they are not really farm subsidies, they are investments in the economy of this country. The farm programs are investments in the U.S. agricultural industry.

For example, in the peanut industry, we have over 150,000 U.S. jobs that are directly related to the peanut industry. It generates over \$6 billion a year in the economy of this country. It generates some \$200 million in exports. That is just one small segment of the agricultural community.

Why we have these programs is that in order for our farmers to be able to compete on the world market against countries like France and like Spain, who so heavily subsidize their farmers, we have to put our farmers on somewhat of a level playing field.

Even though our programs do not put them there, we are still way below the subsidies that are paid in France and in Spain, but we are putting our farmers in a position where they can compete in the global market.

As we move into the post NAFTA and post GATT era, we have to do a better job of that, and I just wanted to mention that because I know there are a lot of people out there that just think that subsidies are bad and they ought not be paid to farmers and they do not understand why farm programs even exist, and I wanted to mention that.

Mr. LAHOOD. Mr. Speaker, I appreciate the gentleman from Georgia's contribution, and I would be happy to yield to the gentleman from North Carolina for any concluding remarks.

Mr. JONES. —I thank the gentleman from Illinois for yielding.

Mr. Speaker, just very quickly, I wanted to repeat one figure I shared early on. The USDA spends \$16 million to administer and oversee the tobacco program, which, again, is a no net cost program. That \$16 million, I would mention to the gentleman from Illinois and Georgia, brings back in the way of revenues \$25.9 billion. You gentlemen are very smart, good businessmen, do not know anywhere where you can invest \$16 million and you can bring back \$29.9 million? I would buy that opportunity every day.

Mr. LAHOOD. Mr. Speaker, that is a significant contribution.

Let me conclude by saying that we can reform farm programs to make them more accountable to taxpayers and program participants, but in doing so we must not take for granted the incredible success of American agriculture and the role prudent public policy has made to foster this success.

In conclusion, I want to mention that I have developed, like I know both of you gentleman have, a new respect for the men and women who till the soil, who work hard every day in terms of the crops that they grow. Since being

elected to Congress, I have had several opportunities, as I know you have to meet the men and women who till the soil, and I have concluded that they love their way of life, are deeply proud of the country and the benefits it has bestowed on each of them, and ask for no compliments for feeding the world each and every day, but want, for their children, the ability to pass along the heritage and the fruits that they have so richly worked for and who could ask for more than that.

I know each of you, as I do, commend those men and women who till the soil every day, and work hard every day, and make America the great country that it is, and provide the food and fiber for all Americans and many, many citizens in this country and around the world.

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

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAMSTAD (at the request of Mr. ARMEY) for today, on account of illness.

Mr. BILBRAY (at the request of Mr. ARMEY) for today, on account of official business.

Mr. VOLKMER (at the request of Mr. GEPHARDT) for today after 6 p.m., on account of illness of spouse.

Mr. TORRES (at the request of Mr. GEPHARDT) for today, on account of illness in the family.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical illness.

Mr. JACOBS (at the request of Mr. GEPHARDT) for August 1 and 2, 1995, on account of dedication of U.S.S. *Indianapolis* Memorial in Indianapolis.

#### 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 Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WARD, for 5 minutes, today.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMVAEGA, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day, today and July 25, 26, 27, and 28.

Mr. FOX of Pennsylvania, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WAXMAN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages and is estimated by the Public Printer to cost \$10,922.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mr. COLEMAN.

Mr. FROST.

Mr. MARKEY.

Mrs. MALONEY.

Mr. CLEMENT.

Ms. RIVERS.

Ms. NORTON.

Mr. SKELTON.

Mr. STUPAK.

Mr. STOKES.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. CAMP.

Mr. BURTON of Indiana.

Mr. NEY.

Mr. WELDON of Florida.

Mrs. ROUKEMA.

Mr. QUINN.

Mr. DEFAZIO, on H.R. 2002, in the Committee of the Whole today.

#### SENATE BILLS REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 638. An act to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Resources.

S. 1023. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; to the Committees on Government Reform and Oversight and Transportation and Infrastructure.

S.J. Res. 27. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that the committee did on the following day present to the President, for his approval, bills of the House of the following title:

On July 21, 1995:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and

making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 25, 1995, at 9 a.m. for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various

committees of the U.S. House of Representatives during the second quarter of 1995 in connection with official

foreign travel, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency <sup>2</sup>	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. John L. Mica	4/19	4/20	Ireland		275.00		(3)				275.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/29	Belgium		729.00		(3)				729.00
Committee total					3,109.00						3,109.00

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
<sup>3</sup> Military air transportation.

BILL CLINGER,  
Chairman, July 14, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Tom Sawyer	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/28	Belgium		327.00		(3)				327.00
Commercial airfare		4/28	Belgium					2,074.15			2,074.15
Committee total					2,711.00			2,074.15			4,785.15

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.  
<sup>3</sup> Military air transportation.

BILL GOODLING,  
Chairman, July 5, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
John Rayfield	4/10	4/20	Chile								1,934.95
Christopher G. Mann	4/10	4/20	Chile								1,934.95
David S. Whaley	5/28	6/4	Ireland		1,729.00						2,989.95
Committee total					1,729.00						6,859.85

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG,  
Chairman, July 7, 1995.

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. GILMAN: Committee on International Relations. H.R. 927. A bill to seek international sanctions against the Castro government in Cuba, to plan for support of a

transition government leading to a democratically elected government in Cuba, and for other purposes; with an amendment (Rept. 104-202, Pt. 1). Ordered to be printed.

Mr. HYDE. Committee on the Judiciary. H.R. 1528. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled *United States v. Western Electric*, Civil Action No. 82-0192, United States District Court for the District of Columbia, and for other purposes;

with an amendment (Rept. 104-203 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1555. A bill to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies; with an amendment (Rept. 104-204 Pt. 1). Referred to

the Committee of the Whole House on the State of the Union.

#### SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1528. The Committee on Commerce discharged. H.R. 1528 referred to the Committee of the Whole House on the State of the Union.

H.R. 1555. The Committee on the Judiciary discharged. H.R. 1555 referred to the Committee of the Whole House on the State of the Union.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 927. Referral to the Committees on Ways and Means, the Judiciary and Banking and Financial Services extended for a period ending not later than August 4, 1995.

H.R. 1528. Referral to the Committee on Commerce extended for a period ending not later than July 24, 1995.

H.R. 1555. Referral to the Committee on the Judiciary extended for a period ending not later than July 24, 1995.

#### 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 Mrs. FOWLER (for herself, Mr. FOLEY, Mr. GOSS, Mrs. THURMAN, Mr. WELDON of Florida, Mr. MCCOLLUM, Mr. MICA, and Mr. PETERSON of Florida):

H.R. 2100. A bill to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mr. MARKEY, and Mr. HOYER):

H.R. 2101. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN:

H.R. 2102. A bill to amend subchapter II of chapter 73 of title 10, United States Code, to prevent cost-of-living increases in the survivor annuity contributions of uniformed services retirees from becoming effective before related cost-of-living increases in retired pay become payable; to the Committee on National Security.

By Ms. NORTON (for herself and Mr. DAVIS):

H.R. 2103. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to place the budget of the District of Columbia courts on equal footing with other branches of the District government, to permit the severance of the salaries of local judges from the Federal compensation system, and to authorize multiyear contracts; to the Committee on Government Reform and Oversight.

By Mr. SMITH of New Jersey:

H.R. 2104. A bill to amend section 1464 of title 18, United States Code, to punish trans-

mission by computer of indecent material to minors; to the Committee on the Judiciary.

By Mr. STUDDS:

H.R. 2105. A bill to restrict the closure of Coast Guard small boat stations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ACKERMAN:

H. Con. Res. 86. Concurrent resolution commending the People's Republic of Bangladesh for its commitment to the principles of democracy, economic reform, and international peacekeeping; to the Committee on International Relations.

By Mr. MARKEY (for himself, Mr. SOL-OMON, Mr. LANTOS, and Mr. PORTER):

H. Res. 200. Resolution expressing the sense of the House of Representatives regarding the Republic of Iraq's failure to comply with United Nations resolutions demanding improvements in the area of human rights and requiring the destruction, removal, and rendering harmless of all Iraq's biological, chemical, and nuclear weapons, and all ballistic missiles with a range greater than 150 kilometers; to the Committee on International Relations.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mr. HERGER.  
H.R. 359: Mr. JONES and Mr. BASS.  
H.R. 427: Mr. FRANK of Massachusetts.  
H.R. 447: Mr. GUTIERREZ, Mr. ENGEL, and Mr. CLINGER.

H.R. 488: Mr. BAKER of Louisiana.  
H.R. 528: Mr. FRAZER.

H.R. 625: Mrs. MALONEY, Mr. RADANOVICH, Mr. STUPAK, Mr. CLEMENT, and Ms. NORTON.

H.R. 734: Mr. RAMSTAD and Mr. MCHUGH.  
H.R. 736: Mr. BILBRAY and Mr. PETRI.

H.R. 783: Mr. WICKER.  
H.R. 789: Mr. DOOLITTLE.

H.R. 862: Mr. LARGENT and Mr. STUMP.  
H.R. 868: Mr. BACHUS.

H.R. 940: Mrs. COLLINS of Illinois.  
H.R. 995: Mr. DEAL of Georgia.

H.R. 1021: Mr. BONIOR.  
H.R. 1023: Mr. SCOTT, Mr. PASTOR, and Mr. BONIOR.

H.R. 1073: Mr. MANTON, Mr. BROWN of Ohio, Mr. KLING, Ms. ESHOO, Mr. BOUCHER, Mr. MURTHA, Mr. GEPHARDT, Ms. SLAUGHTER, Mr. RICHARDSON, and Ms. MCKINNEY.

H.R. 1074: Mr. MANTON, Mr. BROWN of Ohio, Mr. KLING, Ms. ESHOO, Mr. BOUCHER, Mr. MURTHA, Mr. GEPHARDT, Ms. SLAUGHTER, Mr. RICHARDSON, and Ms. MCKINNEY.

H.R. 1083: Mr. KING and Mr. TAYLOR of North Carolina.

H.R. 1162: Mr. WHITE, Mr. SANFORD, Mr. MCINNIS, Mr. COBURN, Mrs. SMITH of Washington, Mr. FORBES, Mrs. MYRICK, and Mr. BLUTE.

H.R. 1212: Mr. WICKER.  
H.R. 1242: Mr. DUNCAN and Mr. ENSIGN.

H.R. 1464: Mr. EHRLICH and Mr. REYNOLDS.  
H.R. 1499: Mr. GALLEGLY and Mr. GOODLATTE.

H.R. 1513: Mr. HALL of Texas.  
H.R. 1560: Mr. BARCIA of Michigan.

H.R. 1610: Mr. KOLBE.  
H.R. 1713: Mr. WICKER.

H.R. 1739: Mr. MCHUGH.  
H.R. 1744: Mr. GUNDERSON.

H.R. 1856: Ms. DUNN of Washington, Mr. BLUTE, and Mr. WALSH.

H.R. 1876: Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. JACOBS, and Mr. PASTOR.

H.R. 1946: Mr. OXLEY, Mr. JONES, Mr. BACHUS, Mr. DAVIS, Mr. HOEKSTRA, Mr. HUNTER, and Mr. KINGSTON.

H.R. 1984: Mr. BAKER of Louisiana and Mr. GUTKNECHT.

H.R. 1993: Mr. RADANOVICH.

H.R. 2024: Mr. TOWNS, Mr. PAXON, and Mr. GEJDENSON.

H.J. Res. 90: Mr. HUNTER.  
H. Con. Res. 63: Mr. SCARBOROUGH and Mrs. SMITH of Washington.

H. Res. 30: Mr. GIBBONS, Mr. WELDON of Florida, Mr. MCHUGH, Mr. SKAGGS, Mr. EWING, and Mrs. KELLY.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2002

OFFERED BY: MR. ANDREWS

AMENDMENT No. 28: At the end of the bill, add the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for planning or execution of the military airport program.

H.R. 2002

OFFERED BY: MR. COLEMAN

AMENDMENT No. 29: Page 53, strike lines 1 through 13.

Redesignate subsequent sections of title III of the bill accordingly.

H.R. 2002

OFFERED BY: MR. FOGLIETTA

AMENDMENT No. 30: Page 14, line 7, strike "\$60,000,000" and insert "\$195,000,000".

Page 25, line 24, insert after the dollar amount the following: "(increased by \$135,000,000)".

Page 25, line 25, insert after the dollar amount the following: "(increased by \$135,000,000)".

Page 26, line 3, insert after the dollar amount the following: "(increased by \$135,000,000)".

H.R. 2076

OFFERED BY: MR. ANDREWS

AMENDMENT No. 10: Page 76, strike lines 11 through 17.

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT No. 11: Page 17, line 2, before the period insert "Provided further, That \$8,000,000 shall be available to promote and expedite naturalization, in accordance with section 332 of the Immigration and Nationality Act".

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT No. 12: Page 59, line 9, strike "\$16,400,000" and insert "\$8,400,000".

Page 16, line 5, strike "\$1,421,481,000" and insert "\$1,429,481,000".

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT No. 13: Page 59, line 9, strike "\$16,400,000" and insert "\$8,400,000".

Page 16, line 5, strike "\$1,421,481,000" and insert "\$1,429,481,000".

Page 17, line 2, before the period insert "Provided further, That \$8,000,000 shall be available to promote and expedite naturalization, in accordance with section 332 of the Immigration and Nationality Act".

H.R. 2076

OFFERED BY: MR. CLINGER

AMENDMENT No. 14: Page 47, line 11, strike "\$3,000" and insert "\$2,250".

Page 47, line 12, strike "\$29,100,000" and insert "\$21,825,000".

H.R. 2076

OFFERED BY: MR. FARR

AMENDMENT NO. 15: Page 44, line 4, strike "\$1,690,452,000" and insert "\$1,702,952,000".

Page 44, line 14, strike "\$1,687,452,000" and insert "\$1,699,952,000".

Page 51, line 4, strike "\$2,411,024,000" and insert "\$2,404,744,000".

Page 59, line 3, strike "\$363,276,000" and insert "\$357,026,000".

H.R. 2076

OFFERED BY: MR. HOYER

AMENDMENT NO. 16: Page 25, line 13, strike "\$1,500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act" and insert "\$1,205,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 21201 of the 1994 Act; \$295,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act".

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT NO. 17: Page 43, line 25, strike "386 commissioned officers" and insert "358 commissioned officers".

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT NO. 18: Page 45, lines 18 through 22, strike "for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration," and insert "for the National Oceanic and Atmospheric Administration for entering into contracts with private-sector parties or universities for (1) data collection and (2) the leasing or chartering of vessels,".

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT NO. 19: Page 45, line 23, strike "\$20,000,000" and insert "\$0".

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT NO. 20: On page 102, after line 20, insert before the short title the following new section:

"SEC. 609. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading 'Fleet Modernization, Shipbuilding and Conversion' may be used to implement the National Oceanic and Atmospheric Administration Fleet Replacement and Modernization Plan except to enter into service contracts with the private sector or universities for oceanographic research, fisheries research, and mapping and charting services.".

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT NO. 21: Page 102, after line 20, insert before the short title the following new section:

SEC. 609. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding, and Conversion" may be used for any activity other than entering into a contract with a private-sector party or a university for (1) data collection or (2) the leasing or chartering of a vessel.

H.R. 2076

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 22: Page 45, line 14, strike "\$42,731,000" and insert in lieu thereof "\$40,262,000".

Page 45, line 23, strike "\$20,000,000" and insert in lieu thereof "\$17,000,000".

H.R. 2076

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 23: Page 45, line 23, strike "\$20,000,000" and insert in lieu thereof "\$19,089,000".

H.R. 2076

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 24: On page 21, line 21, after the period, insert the following paragraph:

GRANTS TO COMBAT VIOLENCE AGAINST WOMEN  
Additional assistance for grants of \$97,250,000, for the Grants to Combat Violence Against Women, as authorized by section 40121 of the 1994 act.

On page 60, line 19:  
Strike "\$391,760,000" and insert "\$294,510,000"

H.R. 2076

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 25: On page 21, line 21, after the period, insert the following paragraph:

GRANTS TO COMBAT VIOLENCE AGAINST WOMEN  
Additional assistance for grants of \$97,250,000, for the Grants to Combat Violence Against Women, as authorized by section 40121 of the 1994 act.

On page 60, line 19:  
After "\$391,760,000" insert "(less \$97,250,000)"

H.R. 2076

OFFERED BY: MRS. MEYERS OF KANSAS

AMENDMENT NO. 26: Page 97, line 8, strike "\$217,947,000" and insert "\$222,325,000".

Page 98, line 6, strike "\$97,000,000" and insert "\$92,622,000".

H.R. 2076

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 27: On page 24, line 6 strike, "\$2,000,000,000", and all that follows through "1995" on line 9, and insert the following:

"1,767,000,000 shall be for Public Safety and Community Policing Grants authorized by section 10003 of the 1994 Act; and \$233,000,000 shall be for carrying out the crime prevention programs authorized under sections 30202, 30307, 30702, 31904, 31921, 32101, 40102, and 50001 of the 1994 Act"

H.R. 2076

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 28: Page 52, line 21, after the dollar amount, insert the following: "(reduced by \$13,550,000)".

Page 99, after line 12, insert the following:  
STATE JUSTICE INSTITUTE  
SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713), \$13,550,000, to remain available until expended.

H.R. 2076

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 29: Page 99, after line 12, insert the following:

STATE JUSTICE INSTITUTE  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the State Justice Institute, as authorized by section 215 of

the State Justice Institute Act of 1984 (42 U.S.C. 10713), \$13,550,000, to remain available until expended, to be derived from amounts provided in this Act for "Defender Services".

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 30: On page 37, line 2, strike "\$328,500,000" an insert "\$35,198,000"

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 31: On Page 40, line 10, strike "\$19,709,000" an insert "\$19,043,000"

On page 40, strike line 21 and all that follows through page 41, line 24.

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 32: On page 42, line 26, strike "\$81,100,000" and insert "\$7,167,000".

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 33: On page 44, line 4, strike "\$1,690,452,000" and insert "\$1,670,452,000".

On page 44, line 14, strike "\$1,687,452,000" and insert "\$1,667,452,000".

On page 45, strike lines 16 through 23

H.R. 2076

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 34: On page 47, line 6, strike "\$5,000,000" and insert "\$3,920,000".

H.R. 2076

OFFERED BY: MR. SCOTT

AMENDMENT NO. 35: Page 24, line 6, strike "\$2,000,000,000" and insert "\$2,500,000,000".

Page 24, line 23, strike "\$500,000,000" and all that follows through page 25, line 3.

H.R. 2076

OFFERED BY: MR. SCOTT

AMENDMENT NO. 36: Page 24, line 6, strike "\$2,000,000,000" and insert "\$2,300,000,000".

Page 24, line 23, strike "\$500,000,000" and all that follows through page 25, line 1, and insert "\$200,000,000".

H.R. 2076

OFFERED BY: MR. SERRANO

AMENDMENT NO. 37: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for the Advisory Board for Cuba Broad casting under section 5 of the Radio Broadcasting to Cuba Act.

H.R. 2076

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 38: Page 71, line 16, strike "\$341,000,000," and insert "\$329,000,000".

H.R. 2076

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 39: Beginning on page 81, strike line 3 and all that follows through line 2 on page 95.

H.R. 2076

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 40: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba.

H.R. 2076

OFFERED BY: MR. STUPAK

AMENDMENT NO. 41: Page 24, line 7, after "Grants" insert "of such amount \$600,000,000 shall be available for rural areas in which

the unit of local government in such area has a population of less than 50,000)".

H.R. 2076

OFFERED BY: MR. STUPAK

AMENDMENT NO. 42: Page 24, line 9, after "1995" insert "of such amount \$600,000,000 shall be available for rural areas in which the unit of local government in such area has a population of less than 50,000)".

H.R. 2099

OFFERED BY: MR. DAVIS

AMENDMENT NO. 1: Page 87, after line 25, insert the following new section:

SEC. 519. (a) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency shall cease any further hiring in the Agency's Office of Research and Development, and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level.

(b) REPORT.—Not later than January 1, 1996, the head of the Office of Research and Development of the Environmental Protection Agency shall submit to the Congress a report on all staffing plans including the use of Federal and contract employees.

H.R. 2099

OFFERED BY: Ms. KAPTUR

AMENDMENT NO. 2: Page 26, after line 13, insert the following new item:

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901-11908), and for drug information clearinghouse services authorized by the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11921-11925), \$290,000,000, to remain available until expended.

Page 64, line 16, before the last comma insert "(reduced by \$34,500,000)".

H.R. 2099

OFFERED BY: MR. KLUG

AMENDMENT NO. 3: Page 48, after line 25, insert the following new section:

SEC. 211. DEMONSTRATION PROJECT FOR ELIMINATION OF TAKE-ONE-TAKE-ALL REQUIREMENT.

In order to demonstrate the effects of eliminating the requirement under section 8(t) of the United States Housing Act of 1937, notwithstanding any assistance provided under any program under section 8 of such Act for the multifamily housing project consisting of the dwelling units located at 2401-2479 Sommerset Circle, in Madison, Wisconsin, or on behalf of residents in such project, section 8(t) of such Act shall not apply with respect to such project.