States; which was read and, together with accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with section 202(c) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, I am transmitting the District of Columbia's Fiscal Year 1999 Budget Request Act.

This proposed Fiscal Year 1999 Budget represents the major programmatic objectives of the Mayor, the Council of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority. It also meets the financial stability and management improvement objectives of the National Capital Revitalization and Self-Government Improvement Act of 1997. For Fiscal Year 1999, the District estimates revenues of $5.230 billion and total expenditures of $5.189 billion resulting in a $41 million budget surplus.

My transmittal of the District of Columbia's budget, as required by law, does not represent an endorsement of its contents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1998.*

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4328, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 510 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. 4328.

☐ 2303

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. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. GILLMOR 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 Virginia (Mr. WOLF), and the gentleman from Minnesota (Mr. SABO), each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

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

Mr. Chairman, I will not read the whole statement, but just about two paragraphs to make a couple of points. This is the first transportation appropriations bill since the enactment of the Transportation Equity Act, TEA21, which has made significant effects on the way the committee operates.

For example, TEA21 amended the Budget Enforcement Act to provide two additional spending categories or ''firewalls,'' the highway category and the transit category. These firewalls make it virtually impossible for the committee to make drawdown adjustments to those funding levels in the appropriation process over the next 5 years.

As such, these firewalls create a new mandatory appropriations within the discretionary caps which has undermined the committee's flexibility to fund other equally important programs.

The bill reflects the first attempt to produce a balanced bill in this new environment. The committee was allocated a 7.4 percent increase, or $2.8 billion in outlays for the coming year. However, the increases for the highway and transit programs guaranteed by TEA21 fully consumed the 7.4 percent increase provided to the subcommittee. As a result, the other agencies must compete for the leftover funding, which is essentially at a hard freeze.

Within these constraints, the bill continues to place the highest priority on safety programs and drug interdiction of the Coast Guard. But, as a result of the lack of flexibility available to the committee, and after meeting the highway and transit guarantees, sufficient funding is not available for many critical and important programs of the Coast Guard, FAA, and even NHTSA. While the highway and transit programs are feasting at a banquet, these other agencies are left to scramble for the crumbs.

One other point I want to make, I have told the Commandant of the Coast Guard that should the committee receive any additional allocation, perhaps Defense allocation later on, that we will make every effort to supplement the current funding provided in the bill.

Today the Committee on Appropriations brings to the floor the ninth appropriations bill for fiscal year 1999. H.R. 4328, the fiscal year 1999 Department of Transportation and Related Agencies Appropriations bill, totals $46.9 billion. This figure includes all obligation authority (that is to say, new budget authority, guaranteed obligations contained in the Transportation Equity Act for the 21st Century, limitations on obligations, and exempt obligations). This is an increase of $4.7 billion over the fiscal year 1998 level and $3.9 billion more than the budget request.

This is the first transportation appropriations bill since the enactment of the Transportation Equity Act for the 21st Century (TEA21). TEA21 has had significant effects on the way in which this Committee operates and it has diminished the flexibility available to the Committee. For example, TEA21 amended the Budget Enforcement Act to provide two new additional spending categories or ''firewalls''—the highway category and the transit category. These firewalls make it virtually impossible for the Appropriations Committee to make downward adjustments to these funding levels in the appropriations process over the next five years. As such, these firewalls created new mandatory appropriations within the discretionary caps. This has undermined the Committee's flexibility to fund other equally important programs.

This bill reflects the best attempt to produce a balanced bill in this new environment. The subcommittee was allocated a 7.4 percent increase or $2.8 billion in outlays for the coming year. However, the increases for highways and transit programs guaranteed TEA21 fully consume the 7.4 percent increase provided to the Subcommittee. As a result, the other agencies must compete for leftover funding, which is essentially at a hard freeze. Within these constraints, the bill continues to place the highest priority on the department's safety programs and drug interdiction activities of the Coast Guard. But, as a result of lack of flexibility available to this Committee and after meeting the highway and transit guarantees, sufficient funding is not available for many critical and important programs of the Coast Guard, the FAA, and even NHTSA. While the highway and transit programs are feasting at a banquet, these agencies are left to scramble for the crumbs.

Were it not for the firewalls, a portion of the generous 7.4 percent increase or $2.8 billion could have been allocated to improvements in aviation or maritime safety, and more could have done to fight the menace of illegal drug trafficking, while still providing significant increases in highways and transit programs. the bill shies away from funding new authorizations contained in TEA21. The bill also does not contain funding above the guaranteed amounts for the highway and transit programs, as other critical programs, including safety and drug interdiction activities, would have had to have been cut in order to fund the new authorizations and any increases above the guarantee.

Selected major recommendations of the bill include the following:

(1) $7.7 billion for the FAA, an increase of $275 over the 1998 level;

(2) $1.8 for the AIP program, an increase of $100 million;

(3) $2.7 billion for the Coast Guard's operating expenses, including $446 million for drug interdiction activities (an increase of 11 percent);

(4) $609 million for Amtrak, essentially the same level as the Administration's request;

(5) $461 million for NHTSA, the fully authorized level, including $100 million for motor carrier safety grants that are transferred from FHWA;

(6) $25.5 billion for federal-aid highways, as is guaranteed by TEA21; and

(7) $5.4 billion for transit programs, the same level as guaranteed by TEA21.

Returning to the Coast Guard, the bill provides $2.7 billion, essentially a hard freeze.

Within these funds, the Committee has increased funds allocated to fight the war on drugs to $446 million, an increase of eleven percent. The previous commandant and many members of the House advocated this increase. Unfortunately, given the tight budgetary caps this year and the firewalls imposed on the Committee, the Committee was unable to provide resources above the overall Coast Guard budget request without unacceptably harming critical safety programs of other DOT agencies. Clearly, the funding levels contained in this bill will require the Coast Guard to prioritize its activities and missions.

I have told the Commandant that should additional budgetary resources be made available to this subcommittee later in the year, the Committee would endeavor to supplement the funding currently provided in the bill.

In addition, the Committee is very concerned about the Coast Guard's ability to address all of its missions adequately in future years, given budget constraints and the effect of the surface transportation firewalls. Although the service has performed admirably over the past four years in reforming and reorganizing itself into a more efficient organization, it is possible that there will still be insufficient funding over the next ten years to enable the Coast Guard to maintain today's level of service. To address this concern, the bill provides $1,000,000 specifically for the establishment of a blue-ribbon panel to study the future capital needs, roles, and missions of the Coast Guard. This panel is to include the secretary of transportation, and current and former commandants of the Coast Guard, and shall address and make recommendations on the best roles and missions of the Coast Guard over the next twenty years, and the capital budget requirements to meet those needs.

With respect to funding for Amtrak, the bill provides $609 million, nearly the same level of funding as requested by the President. In addition to this appropriation, the Taxpayer Relief Act makes available $1.1 billion to Amtrak in fiscal year 1999. Together this is an historic level of funding for the troubled corporation. With the adoption of the new authorization for Amtrak and the availability of the tax credits, the Committee would hope to be optimistic about Amtrak's future. However, the Committee is not convinced that Amtrak's fiscal year 1999 budget proposal provides for the long-term viability and solvency of the Corporation.

To gain a better understanding of Amtrak's financial condition, the Committee contacted the Department of Transportation's Inspector General, the General Accounting Office, and a diverse group of non-federal railroad experts. This group was asked to comment on whether Amtrak continues to operate in a fragile state, as many testified, or if the recent legislative actions have placed the Corporation on a more stable footing. There was a wide divergence of opinions, but everyone expressed some degree of concern about Amtrak's long-term viability. At this point in the record, I would like to insert the responses provided to the Committee. In summary, it appears that the internal changes Amtrak has made, and the external changes provided in the authorization Act and TRA, do not guarantee Amtrak's viability or even disperse the storm clouds which have been looming on Amtrak's horizon for many years.

With respect to bus and new start projects, the Subcommittee received requests totaling nearly $2.8 billion for new start projects and $1.7 billion for bus projects, for which TEA21 allocated $902.8 million and $200 million, respectively. As a result, it was extremely difficult to accommodate all the requests. Here, again, TEA21 significantly affected the way the Subcommittee operated this year. First, TEA21 vastly inflated expectations, authorizing over 170 new start projects, while providing $902.8 million for new starts in fiscal year 1999. After funding the fourteen full funding grant agreements (which, incidentally TEA21 completely ignores) only $224.8 million is available to fund these 170 projects. Moreover, TEA21 imposes a new limitation, which requires that no more than eight percent of funding provided for new starts (or about $70 million) can be allocated for projects that are in preliminary engineering and design (of which there are over 150 such projects in fiscal year 1999). Similarly, with respect to bus earmarks, TEA21 earmarked 150 bus projects, totaling nearly $240 million, more than one-half of the funding made available for buses. This action further reduced the flexibility of the Subcommittee to accommodate all the requests made of the Subcommittee for bus projects.

The Committee has worked closely with the minority and the gentleman from Minnesota, Mr. SABO, to produce a bill that has broad bipartisan support. The bill was reported out of Subcommittee and Full Committee without significant change or amendment. I know of no significant controversy or problems with this bill. Moreover, I am confident that the President would sign this bill if it were presented to him in its current form. I urge its immediate adoption.

Mr. Chairman, I submit the following for the RECORD:

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4328)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	61,000,000	61,930,000		-61,000,000	-61,930,000
Immediate Office of the Secretary			1,623,800	+1,623,800	+1,623,800
Immediate Office of the Deputy Secretary			585,000	+585,000	+585,000
Office of the General Counsel			8,895,000	+8,895,000	+8,895,000
Office of the Assistant Secretary for Policy			2,667,200	+2,667,200	+2,667,200
Office of the Assistant Secretary for Aviation and International Affairs			7,002,200	+7,002,200	+7,002,200
Office of the Assistant Secretary for Budget and Programs			6,069,300	+6,069,300	+6,069,300
Office of the Assistant Secretary for Governmental Affairs			1,672,000	+1,672,000	+1,672,000
Office of the Assistant Secretary for Administration			19,147,100	+19,147,100	+19,147,100
Office of Public Affairs			1,377,600	+1,377,600	+1,377,600
Executive Secretariat			1,046,900	+1,046,900	+1,046,900
Board of Contract Appeals			675,500	+675,500	+675,500
Office of Small and Disadvantaged Business Utilization			839,200	+839,200	+839,200
Office of Intelligence and Security			961,100	+961,100	+961,100
Office of the Chief Information Officer			4,400,000	+4,400,000	+4,400,000
Office of Intermodalism			1,018,000	+1,018,000	+1,018,000
Subtotal	61,000,000	61,930,000	57,979,900	-3,020,100	-3,950,100
Office of civil rights	5,574,000	6,966,000	6,966,000	+1,392,000	
Transportation planning, research, and development	4,400,000	4,710,000	3,035,000	-1,365,000	-1,675,000
Transportation Administrative Service Center	(121,800,000)		(109,124,000)	(-12,676,000)	(+109,124,000)
Payments to Air Carriers (rescission)	(-2,500,000)			(+2,500,000)	
Payments to air carriers (Airport and Airway Trust Fund):					
Rescission of contract authorization	(-41,600,000)			(+41,600,000)	
Minority business resource center program	1,900,000	1,900,000	1,900,000		
(Limitation on direct loans)	(15,000,000)	(13,775,000)	(13,775,000)	(-1,225,000)	
Minority business outreach	2,900,000	2,900,000	2,900,000		
Amtrak Reform Council	2,450,000		450,000	-2,000,000	+450,000
Total, Office of the Secretary	78,224,000	78,406,000	73,230,900	-4,993,100	-5,175,100
Coast Guard					
Operating expenses	2,415,400,000	2,462,705,000	2,400,000,000	-15,400,000	-62,705,000
Defense function (050)	300,000,000	309,000,000	300,000,000		-9,000,000
Acquisition, construction, and improvements:					
Offsetting collections	-9,000,000	-1,000,000		+9,000,000	+1,000,000
Vessels	212,100,000	234,573,000	227,913,000	+15,813,000	-6,660,000
Aircraft	25,800,000	37,131,000	39,400,000	+13,600,000	+2,269,000
Other equipment	44,650,000	33,969,000	30,314,000	-14,336,000	-3,655,000
Shore facilities and aids to navigation facilities	68,300,000	53,650,000	42,923,000	-25,377,000	-10,727,000
Personnel and related support	47,000,000	48,450,000	48,450,000	+1,450,000	
Subtotal, A C and I appropriations	388,850,000	406,773,000	389,000,000	+150,000	-17,773,000
Environmental compliance and restoration	21,000,000	21,000,000	21,000,000		
Alteration of bridges	17,000,000		12,000,000	-5,000,000	+12,000,000
Retired pay	653,196,000	684,000,000	684,000,000	+30,804,000	
Reserve training	67,000,000	67,000,000	69,000,000	+2,000,000	+2,000,000
Research, development, test, and evaluation	19,000,000	18,300,000	12,000,000	-7,000,000	-6,300,000
Boat safety (Aquatic Resources Trust Fund)	35,000,000			-35,000,000	
Total, Coast Guard	3,916,446,000	3,968,778,000	3,887,000,000	-29,446,000	-81,778,000
Federal Aviation Administration					
Operations	5,301,934,000	5,588,130,000	5,532,558,000	+230,624,000	-55,572,000
Facilities and equipment (Airport and Airway Trust Fund)	1,900,477,000	2,130,000,000	2,000,000,000	+99,523,000	-130,000,000
Research, engineering, and development (Airport and Airway Trust Fund)	199,183,000	290,000,000	145,000,000	-54,183,000	-145,000,000
Grants-in-aid for airports (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(1,600,000,000)	(1,600,000,000)	(1,600,000,000)		
(Limitation on obligations)	(1,700,000,000)	(1,700,000,000)	(1,800,000,000)	(+100,000,000)	(+100,000,000)
Rescission of contract authorization	(-707,000,000)		(-5,000,000)	(+702,000,000)	(-5,000,000)
Facilities, equipment and development (rescission)	(-500,000)			(+500,000)	
Total, Federal Aviation Administration	7,401,594,000	8,008,130,000	7,677,558,000	+275,964,000	-330,572,000
(Limitations on obligations)	(1,700,000,000)	(1,700,000,000)	(1,800,000,000)	(+100,000,000)	(+100,000,000)
Total budgetary resources	(9,101,594,000)	(9,708,130,000)	(9,477,558,000)	(+375,964,000)	(-230,572,000)
Federal Highway Administration					
Limitation on general operating expenses	(552,266,000)	(521,883,000)	(318,733,000)	(-233,533,000)	(-203,150,000)
Limitation on transportation research			(409,150,000)	(+409,150,000)	(+409,150,000)
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(21,500,000,000)	(21,500,000,000)	(25,511,000,000)	(+4,011,000,000)	(+4,011,000,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(-385,386,000)	(-53,386,000)
(Liquidation of contract authorization)	(20,800,000,000)	(23,000,000,000)	(24,000,000,000)	(+3,200,000,000)	(+1,000,000,000)
Emergency relief program (emergency funding)	(259,000,000)			(-259,000,000)	
Motor carrier safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(85,000,000)	(100,000,000)		(-85,000,000)	(-100,000,000)
(Limitation on obligations)	(84,825,000)	(100,000,000)		(-84,825,000)	(-100,000,000)
Appalachian Development Highway system	300,000,000			-300,000,000	
State infrastructure banks (Highway Trust Fund)		150,000,000			-150,000,000

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4328)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Transportation infrastructure credit enhancement program (Highway Trust Fund)		100,000,000			-100,000,000
Total, Federal Highway Administration	300,000,000	250,000,000		-300,000,000	-250,000,000
(Limitations on obligations)	(21,584,825,000)	(21,600,000,000)	(25,511,000,000)	(+3,926,175,000)	(+3,911,000,000)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(-385,386,000)	(-53,386,000)
Total budgetary resources	(23,481,825,000)	(23,115,000,000)	(26,722,614,000)	(+3,240,789,000)	(+3,607,614,000)
National Highway Traffic Safety Administration					
Operations and research (general fund)	74,901,000		87,400,000	+12,499,000	+87,400,000
Operations and research (highway trust fund):					
(Limitation on obligations)	(72,061,000)	(172,902,000)	(72,000,000)	(-61,000)	(-100,902,000)
(Liquidation of contract authorization)			(72,000,000)	(+72,000,000)	(+72,000,000)
National Driver Register (highway trust fund)			2,000,000	+2,000,000	+2,000,000
Subtotal, Operations and research	(146,962,000)	(172,902,000)	(161,400,000)	(+14,438,000)	(-11,502,000)
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(186,000,000)	(197,000,000)	(200,000,000)	(+14,000,000)	(+3,000,000)
(Limitation on obligations):					
Highway safety programs (Sec. 402)	(149,700,000)	(166,700,000)	(150,000,000)	(+300,000)	(-16,700,000)
National Driver Register (Sec. 402)	2,300,000	2,300,000		-2,300,000	-2,300,000
Occupant protection incentive grants (Sec. 405)		(20,000,000)	(10,000,000)	(+10,000,000)	(-10,000,000)
Drugged driving incentive grants		(5,000,000)			(-5,000,000)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(34,500,000)	(39,000,000)	(35,000,000)	(+500,000)	(-4,000,000)
State Highway safety data grants (Sec. 411)			(5,000,000)	(+5,000,000)	(+5,000,000)
Motor carrier safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)			(100,000,000)	(+100,000,000)	(+100,000,000)
(Limitation on obligations)			(100,000,000)	(+100,000,000)	(+100,000,000)
Total, National Highway Traffic Safety Administration	77,201,000	2,300,000	89,400,000	+12,199,000	+87,100,000
(Limitations on obligations)	(256,261,000)	(403,602,000)	(372,000,000)	(+115,739,000)	(-31,602,000)
Total budgetary resources	(333,462,000)	(405,902,000)	(461,400,000)	(+127,938,000)	(+55,498,000)
Federal Railroad Administration					
Office of the Administrator	20,290,000	21,573,000	21,367,000	+1,077,000	-206,000
Railroad safety	57,067,000	61,959,000	60,948,000	+3,881,000	-1,011,000
Nationwide differential global positioning system		3,000,000			-3,000,000
Railroad research and development	20,758,000	20,757,000	20,477,000	-281,000	-280,000
Northeast corridor improvement program	250,000,000			-250,000,000	
(Pennsylvania Station Redevelopment Project)	(12,000,000)			(-12,000,000)	
Next generation high-speed rail	20,395,000	12,594,000	15,294,000	-5,101,000	+2,700,000
Alaska Railroad rehabilitation	15,280,000			-15,280,000	
Rhode Island Rail Development	10,000,000	10,000,000	2,000,000	-8,000,000	-8,000,000
Grants to the National Railroad Passenger Corporation:					
Operations	344,000,000			-344,000,000	
Capital	199,000,000			-199,000,000	
Capital grants to the National Railroad Passenger Corporation			609,230,000	+609,230,000	+609,230,000
Highway Trust Fund		621,476,000			-621,476,000
(Northeast corridor improvements)		(200,000,000)			(-200,000,000)
(Pennsylvania Station Redevelopment Project)		(11,746,530)			(-11,746,530)
Subtotal, Grants to Amtrak	543,000,000	621,476,000	609,230,000	+66,230,000	-12,246,000
Emergency railroad rehabilitation and repair (emergency funding)	(9,800,000)			(-9,800,000)	
Conrail Labor protection (rescission)	(-508,234)			(+508,234)	
Total, Federal Railroad Administration	936,790,000	751,359,000	729,316,000	-207,474,000	-22,043,000
Federal Transit Administration					
Administrative expenses (general fund)	45,738,000		10,800,000	-34,938,000	+10,800,000
Administrative expenses (Highway Trust Fund, Mass Transit Account)		48,142,000			-48,142,000
(Limitation on obligations)			(43,200,000)	(+43,200,000)	(+43,200,000)
Subtotal, Administrative expenses	(45,738,000)	(48,142,000)	(54,000,000)	(+8,262,000)	(+5,858,000)
Formula grants (general fund)	240,000,000		570,000,000	+330,000,000	+570,000,000
Formula grants (Highway Trust Fund):					
(Limitation on obligations)	(2,260,000,000)		(2,280,000,000)	(+20,000,000)	(+2,280,000,000)
Operating assistance grants	(150,000,000)			(-150,000,000)	
Subtotal, Formula grants	(2,500,000,000)		(2,850,000,000)	(+350,000,000)	(+2,850,000,000)
Formula programs (Highway Trust Fund, Mass Transit Account):					
(Limitation on obligations)		(3,709,235,000)			(-3,709,235,000)
(Liquidation of contract authorization)		(1,500,000,000)			(-1,500,000,000)
University transportation research (general fund)	6,000,000		1,200,000	-4,800,000	+1,200,000
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)			(4,800,000)	(+4,800,000)	(+4,800,000)
Subtotal, University transportation research	(6,000,000)		(6,000,000)		(+6,000,000)

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4328)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Transit planning and research (general fund)	92,000,000		19,800,000	-72,200,000	+19,800,000
Transit planning and research (Highway Trust Fund, Mass Transit Account)		91,900,000			-91,900,000
(Limitation on obligations)			(78,200,000)	(+78,200,000)	(+78,200,000)
Subtotal, Transit planning and research	(92,000,000)	(91,900,000)	(98,000,000)	(+6,000,000)	(+6,100,000)
Rural transportation assistance	(4,500,000)	(6,000,000)	(5,250,000)	(+750,000)	(-750,000)
National transit institute	(3,000,000)	(3,000,000)	(4,000,000)	(+1,000,000)	(+1,000,000)
Transit cooperative research		(8,250,000)	(8,250,000)	(+8,250,000)	
Metropolitan planning	(39,500,000)	(39,500,000)	(43,841,600)	(+4,341,600)	(+4,341,600)
State planning and research	(8,250,000)	(8,250,000)	(9,158,400)	(+908,400)	(+908,400)
National planning and research	(36,750,000)	(26,900,000)	(27,500,000)	(-9,250,000)	(+600,000)
Subtotal	(92,000,000)	(91,900,000)	(98,000,000)	(+6,000,000)	(+6,100,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(2,210,000,000)		(2,446,200,000)	(+236,200,000)	(+2,446,200,000)
Capital investment grants (general fund)			451,400,000	+451,400,000	+451,400,000
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(2,000,000,000)	(876,114,857)	(1,805,600,000)	(-194,400,000)	(+929,485,143)
Subtotal, Capital investment grants	(2,000,000,000)	(876,114,857)	(2,257,000,000)	(+257,000,000)	(+1,380,885,143)
(Fixed guideway modernization)	(800,000,000)		(902,800,000)	(+102,800,000)	(+902,800,000)
(Buses and bus-related facilities)	(400,000,000)		(451,400,000)	(+51,400,000)	(+451,400,000)
(New starts)	(800,000,000)	(876,114,857)	(902,800,000)	(+102,800,000)	(+26,685,143)
Subtotal	(2,000,000,000)	(876,114,857)	(2,257,000,000)	(+257,000,000)	(+1,380,885,143)
Major capital investments (Highway Trust Fund, Mass Transit Account) (liquidation of contract authority)		(1,900,000,000)			(-1,900,000,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(2,350,000,000)		(1,805,600,000)	(-544,400,000)	(+1,805,600,000)
Job access and reverse commute grants (general fund)			10,000,000	+10,000,000	+10,000,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)			(40,000,000)	(+40,000,000)	(+40,000,000)
Subtotal, Job access and reverse commute grants			(50,000,000)	(+50,000,000)	(+50,000,000)
Washington Metropolitan Area Transit Authority (general fund)	200,000,000		50,000,000	-150,000,000	+50,000,000
Washington Metropolitan Area Transit Authority (Highway Trust Fund, Mass Transit Account)		50,300,000			-50,300,000
Total, Federal Transit Administration	583,738,000	190,342,000	1,113,200,000	+529,462,000	+922,858,000
(Limitations on obligations)	(4,260,000,000)	(4,585,349,857)	(4,251,800,000)	(-8,200,000)	(-333,549,857)
Total budgetary resources	(4,843,738,000)	(4,775,691,857)	(5,365,000,000)	(+521,262,000)	(+589,308,143)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	11,200,000		11,496,000	+296,000	+11,496,000
Research and Special Programs Administration					
Research and special programs:					
Hazardous materials safety	15,342,000	15,863,000	15,863,000	+521,000	
Emergency transportation	2,443,000	997,000	997,000	-1,446,000	
Research and technology	3,446,000	3,851,000	3,700,000	+254,000	-151,000
Program and administrative support	8,219,000	8,944,000	8,819,000	+600,000	-125,000
Advanced vehicle technology consortia			5,000,000	+5,000,000	+5,000,000
Subtotal, research and special programs	29,450,000	29,655,000	34,379,000	+4,929,000	+4,724,000
Pipeline safety:					
Pipeline Safety Fund	28,000,000	32,163,000	28,973,000	+973,000	-3,190,000
Oil Spill Liability Trust Fund	3,300,000	3,300,000	4,475,000	+1,175,000	+1,175,000
Pipeline safety reserve	(1,465,000)		(1,300,000)	(-165,000)	(+1,300,000)
Subtotal, Pipeline safety	31,300,000	35,463,000	33,448,000	+2,148,000	-2,015,000
Emergency preparedness grants:					
Emergency preparedness fund	200,000	200,000	200,000		
(Limitation on obligations)			(9,600,000)	(+9,600,000)	(+9,600,000)
Total, Research and Special Programs Administration	60,950,000	65,318,000	68,027,000	+7,077,000	+2,709,000
(Limitations on obligations)			(9,600,000)	(+9,600,000)	(+9,600,000)
Total budgetary resources	(60,950,000)	(65,318,000)	(77,627,000)	(+16,677,000)	(+12,309,000)
Office of Inspector General					
Salaries and expenses	42,000,000	42,491,000	43,495,000	+1,495,000	+1,004,000
Surface Transportation Board					
Salaries and expenses	13,853,000	16,000,000	16,000,000	+2,147,000	
Offsetting collections		-16,000,000	-2,600,000	-2,600,000	+13,400,000

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4328)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
General Provisions					
Transportation Administrative Service Center reduction	-3,000,000		-20,000,000	-17,000,000	-20,000,000
National Aviation Review Commission (rescission)			-752,000	-752,000	-752,000
Urban discretionary grants (rescission)			-3,918,000	-3,918,000	-3,918,000
Net total, title I, Department of Transportation	12,666,887,766	13,357,124,000	13,676,452,900	+1,009,565,134	+319,328,900
Appropriations	(13,418,996,000)	(13,357,124,000)	(13,686,122,900)	(+267,126,900)	(+328,998,900)
Rescissions	(-752,108,234)		(-9,670,000)	(+742,438,234)	(-9,670,000)
(Limitations on obligations)	(27,801,086,000)	(28,288,951,857)	(31,944,400,000)	(+4,143,314,000)	(+3,655,448,143)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(-385,386,000)	(-53,386,000)
Net total budgetary resources	(42,064,973,766)	(42,911,075,857)	(46,832,466,900)	(+4,767,493,134)	(+3,921,391,043)
TITLE II - RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	3,640,000	3,847,000	3,847,000	+207,000	
National Transportation Safety Board					
Salaries and expenses	53,771,000	47,200,000	53,300,000	-471,000	+6,100,000
Appropriation of user fees		6,000,000			-6,000,000
Emergency fund	1,000,000	1,000,000	1,000,000		
Total, National Transportation Safety Board	54,771,000	54,200,000	54,300,000	-471,000	+100,000
Total, title II, Related Agencies	58,411,000	58,047,000	58,147,000	-264,000	+100,000
Net total appropriations	12,725,298,766	13,415,171,000	13,734,599,900	+1,009,301,134	+319,428,900
Scorekeeping adjustments:					
Pipeline safety (OSLTF)	1,000,000		1,300,000	+300,000	+1,300,000
Coast Guard adjustment		1,000,000			-1,000,000
FAA adjustment		43,000,000			-43,000,000
Net grand total	12,726,298,766	13,459,171,000	13,735,899,900	+1,009,601,134	+276,728,900
Appropriations	(13,478,407,000)	(13,459,171,000)	(13,745,569,900)	(+267,162,900)	(+286,398,900)
Rescissions	(-752,108,234)		(-9,670,000)	(+742,438,234)	(-9,670,000)
(Limitations on obligations)	(27,801,086,000)	(28,288,951,857)	(31,944,400,000)	(+4,143,314,000)	(+3,655,448,143)
(Exempt obligations)	(1,597,000,000)	(1,265,000,000)	(1,211,614,000)	(-385,386,000)	(-53,386,000)
Net grand total budgetary resources	(42,124,384,766)	(43,013,122,857)	(46,891,913,900)	(+4,767,529,134)	(+3,878,791,043)
SUMMARY					
Total mandatory and discretionary	12,726,298,766	13,459,171,000	13,735,899,900	+1,009,601,134	+276,728,900
Mandatory	653,196,000	684,000,000	684,000,000	+30,804,000	
Total, Mandatory	653,196,000	684,000,000	684,000,000	+30,804,000	
Discretionary:					
Highway category: (Limitation on obligations)	(21,841,086,000)	(21,998,602,000)	(25,883,000,000)	(+4,041,914,000)	(+3,884,398,000)
Mass Transit category	583,738,000	140,042,000	1,113,200,000	+529,462,000	+973,158,000
(Limitation on obligations)	(4,260,000,000)	(876,114,857)	(4,251,800,000)	(-8,200,000)	(+3,375,685,143)
Total, Mass Transit category	4,843,738,000	1,016,156,857	5,365,000,000	+521,262,000	+4,348,843,143
Budget scoring	583,738,000	140,042,000	1,113,200,000	+529,462,000	+973,158,000
General purposes:					
Defense (050)	300,000,000	309,000,000	300,000,000		-9,000,000
Nondefense	11,189,364,766	12,326,129,000	11,638,699,900	+449,335,134	-687,429,100
Total, Discretionary	12,073,102,766	12,775,171,000	13,051,899,900	+978,797,134	+276,728,900

It has come to the Committee's attention that the table on page 97 of House Report 105–648 showing the estimated distribution of the federal-aid limitation by state is in error. The following table reflects the corrections:

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION

Estimated FY 1999 Obligation Limitation

States	Estimated FY 1999 Formula Limitation	FY 1999 Minimum Guarantee	Appalachia	Total	Change from FY 1998
Alabama	356,717,558	36,249,673	44,386,075	437,353,306	65,155,925
Alaska	176,862,464	75,457,577	0	252,320,041	36,054,471
Arizona	303,242,010	41,689,478	0	344,931,488	50,387,631
Arkansas	253,048,519	29,531,271	0	282,579,790	39,941,480
California	1,863,262,921	128,492,399	0	1,991,755,320	283,405,981
Colorado	246,794,527	12,783,562	0	259,578,089	37,782,233
Connecticut	263,140,366	59,984,184	0	323,124,550	45,790,935
Delaware	89,175,631	10,204,143	0	99,379,774	14,671,844
Dist. of Col.	87,500,316	0	0	87,500,316	12,604,317
Florida	836,403,576	164,045,867	0	1,000,449,443	144,013,176
Georgia	631,182,058	106,041,763	17,738,763	754,962,181	108,862,001
Hawaii	101,013,240	10,150,553	0	111,163,793	15,739,476
Idaho	135,558,256	23,611,006	0	159,169,262	21,832,705
Illinois	684,346,858	41,374,700	0	725,721,558	102,311,366
Indiana	443,339,425	62,812,583	0	506,152,008	71,922,451
Iowa	251,743,987	10,229,839	0	261,973,826	37,409,782
Kansas	247,975,576	7,191,787	0	255,167,363	36,377,429
Kentucky	301,686,021	33,262,150	40,717,006	375,665,177	56,302,900
Louisiana	309,567,618	29,387,327	0	338,954,945	47,647,164
Maine	105,067,775	9,995,936	0	115,063,711	16,554,386
Maryland	298,563,022	22,232,349	6,940,719	327,736,090	47,244,813
Masschusetts	393,447,726	10,135,128	0	403,582,854	(140,623,520)
Michigan	601,179,804	73,909,316	0	675,089,120	95,546,926
Minnesota	299,390,185	20,374,380	0	319,764,565	44,901,436
Mississippi	240,285,680	18,147,691	4,977,512	263,410,883	37,788,019
Missouri	472,680,856	35,242,540	0	507,923,396	71,861,955
Montana	185,761,378	34,956,689	0	220,718,067	32,472,136
Nebraska	172,373,765	3,434,871	0	175,808,636	25,898,549
Nevada	136,454,844	21,912,644	0	158,367,488	22,908,306
New Hampshire	97,761,103	11,247,908	0	109,009,011	16,622,698
New Jersey	528,704,456	25,550,346	0	554,254,802	77,979,908
New Mexico	189,037,604	24,551,758	0	213,589,362	30,523,462
New York	1,000,631,061	89,011,429	9,566,292	1,099,208,782	154,675,252
North Carolina	508,903,855	76,141,397	26,133,026	611,178,278	89,086,984
North Dakota	136,379,058	10,668,948	0	147,048,006	21,634,743
Ohio	669,345,173	49,795,300	20,015,376	739,155,849	106,209,804
Oklahoma	312,524,560	24,659,577	0	337,184,137	48,475,721
Oregon	243,605,252	16,279,527	0	259,884,779	36,477,315
Pennsylvania	885,942,462	56,749,443	108,530,182	1,051,222,087	152,748,355
Rhode Island	112,218,000	19,004,264	0	131,222,264	19,114,099
South Carolina	299,227,293	46,689,562	2,174,947	348,091,802	50,532,521
South Dakota	141,306,695	13,733,400	0	155,040,095	22,168,368
Tennessee	402,458,421	36,818,342	49,762,093	489,038,856	72,857,127
Texas	1,377,362,296	192,615,348	0	1,569,977,644	225,934,036
Utah	156,165,398	12,107,424	0	168,272,822	23,808,584
Vermont	93,676,350	7,932,136	0	101,608,486	14,817,139
Virginia	490,201,761	56,048,394	10,459,943	556,710,098	80,470,677
Washington	360,017,192	23,031,097	0	383,048,289	53,953,390
West Virginia	170,488,388	4,857,645	61,717,244	237,063,277	36,651,007
Wisconsin	370,808,051	57,655,199	0	428,463,250	61,103,421
Wyoming	143,559,043	12,010,150	0	155,569,193	22,841,062
SUBTOTAL	19,178,089,434	2,000,000,000	403,118,775	21,581,208,209	2,901,451,946
SPECIAL LIMITATION—					
HIGH PRIORITY PROJECTS				1,271,395,575	348,270,075
WOODROW WILSON BRIDGE				68,175,000	45,675,000
ALLOCATION RESERVE				2,590,221,216	715,602,979
TOTAL LIMITATION				25,511,000,000	4,011,000,000

JUNE 4, 1998.

Hon. FRANK WOLF,
Chairman, Housing Committee on Appropriations, Subcommittee on Transportation, Washington DC.

DEAR MR. CHAIRMAN: In your letter of April 28, 1998 you asked me to offer my views on the long term viability of Amtrak and to comment on materials presented at your March 11, 1998 hearings on Amtrak. In a subsequent conversation with Ms. Stephanie Gupta of your staff, she explained that you were aware that I am no longer working with GAO's Transportation Group but that you were interested in my views based on the fact that I have been involved in research on Amtrak and intercity railroad passenger issues since Amtrak was created. My doctoral thesis addressed the economics of intercity rail passenger operations and subsequent studies I conducted for the National Transportation Policy Study Commission, the Northeast Corridor Improvement Project, and the State of Wisconsin assessed Amtrak's potential for contributing to the solution of energy, environmental, and safety problems. Therefore, although I later served as a consultant to the GAO on Amtrak issues and directed some of GAO's studies of Amtrak after I joined that organization, the views expressed here are solely my own and should in no way be considered as representing those of the General Accounting Office.

OVERALL OBSERVATIONS

Perhaps the most striking thing about Amtrak's (and FRA's) testimony is how familiar it all sounds. If one goes back to the testimonies of Tom Downs in the 90s, Graham Claytor in the 80s, or Paul Reistrup in the 70s the refrain is the same. If I may paraphrase:

''Amtrak is turning the corner and is making significant progress through its actions and will be achieving major productivity gains (if it is able to negotiate work rule changes, replace infrastructure, etc). As a result, the Corporation is now well-positioned to reduce its need for federal support.''

But the corner never quite gets turned. Amtrak registers progress for a while, but then ''events'' always seem to overtake it. It can be many things: deferred maintenance of way or delays in modernizing the rolling stock and locomotive fleet cause service deterioration, or the economy sours and ridership forecasts fail to materialize, or wage increases can no longer be postponed—something always happens to reverse or forestall the gains and the Corporation's future again is in peril

Let me begin by saying two things in Amtrak's defense. First, it has presented a more realistic assessment of its current situation and of the risks it faces than it has in the past. The Corporation clearly recognizes the conflicting goals it is being asked to pursue. On page 2 of its Legislative Report and Federal Grant Request Amtrak acknowledges:

If the Corporation focuses too heavily on immediate returns, it risks undermining the ability to deploy its assets in a way that provides a national route system. However, without a balanced approach to infrastructure/capital investment, Amtrak will certainly not achieve operating self-sufficiency by 2002, and may not generate sufficient cash to survive.

In short, Amtrak is saying that it cannot operate a national system of passenger trains and achieve operating self-sufficiency—at least not without substantial federal support to use for capital and capital-related expenses.

Second, it is not as though successive Amtrak managements have not made serious attempts to become more efficient. Indeed, as far as passenger train services are concerned, Amtrak might well be the most efficient system in the world—at least by such standard productivity measures as revenue per employee or passenger miles per employee. In many other nations, rail passenger services are government operations and are highly subsidized. While the quality of service abroad, in terms of speed, on-time performance, or on-board amenities, is typically very high—these come at a price. Pressures are building to make these systems more efficient, but they are generally well behind Amtrak.

Thus, while Amtrak has received something on the order of $20 billion in public support over its history, it has periodically made serious attempts (often at congressional prodding) to find ways to cut costs and operate more efficiently.[1] In the past, it has restructured its route system (within the now removed confines of maintaining a defined basic network of intercity routes), secured labor concessions often well beyond those gained by the nation's freight railroads, and reorganized its operations more along the lines of a private company with ''profit centers'' in order to decentralize decision making responsibility. However, future opportunities to find ways to hold the line against mounting losses might be more difficult to come by without a more dramatic rethinking of Amtrak's role in the nation's transportation system.

There are three areas where I believe the Congress should have reason for concern—the failure to register meaningful increases in ridership, substantial increases in labor costs, and the problems inherent in an aging rolling stock and locomotive fleet.

RIDERSHIP

In 1972, Amtrak's first full year of operation, it carried 16.2 million passengers who travelled 3 billion passenger miles. Although deficits mounted rapidly in the early years, Amtrak was successful in reversing the long term decline in patronage. By 1977 ridership had risen nearly 20 percent to 19.2 million passengers and passenger miles of travel had grown by more than 40 percent to 4.3 billion. Twenty years later, Amtrak still carries only about 20 million passengers annually, although average trip length has increased. During this same 20-year period airline traffic has more than doubled and interstate highway traffic nearly so. Amtrak hopes to carry a record 22 million passengers this year, but this relatively meager improvement is being recorded in the midst of a very prosperous economy. The demand for travel services, whether it be for business or pleasure, is highly sensitive to economic conditions. Amtrak has failed to register significant ridership gains even in these ''best of times.''

Amtrak has increased revenues by increasing fares. Two-thirds of the increase in passenger related revenues came from an increase in ticket yields (fares) while one third came from increased traffic. Amtrak's yields are now higher than airline yields and have been growing more rapidly in recent years. While it is true that in the markets where Amtrak and airlines compete head-to-head, airline yields are typically higher, Amtrak's competitive position will deteriorate if whatever price advantage it holds shrinks. The bottom line is that fare increases might not be as available a strategy as it has been—at least not with respect to traffic that is interested in transportation. The ''cruise market'' is one where Amtrak might have more leeway for fare increases, but I have always believed that this business has always been underdeveloped by Amtrak.

Amtrak hopes for significant traffic growth following the introduction of high speed (or at least higher speed) service between Boston and New York City. Amtrak has developed more realistic ridership projections over time, but still projects that it will capture a share on the air/rail travel market akin to what it carries between New York and Washington. I would expect that its ridership will grow after the significant reduction in travel times, but I have always been skeptical about whether it will increase ridership so that it replicates the NYC–DC experience. The Metroliners came at a time when rail still maintained a significant market share. Whether the time savings that will be achieved on the north end of the NEC will generate traffic volumes comparable to the southern end remains to be seen. But, Amtrak is a national system. Outside the Northeast Corridor Amtrak continues to experience large operating losses. Amtrak West has registered better ridership and revenue increases, but there is some concern that these gains have been costly to acquire.

While I applaud Amtrak's overall candor, I am somewhat struck by the new CEO's view that Amtrak needs ''to know much more about the travel market demand and our role in the marketplace.'' After nearly 30 years of operations and a mountain of studies, I would have thought Amtrak gained some knowledge about market demand and the nature of its ridership. Still, those of us who argued for devoting resources to more sophisticated demand estimation methodologies can feel somewhat vindicated. I do have some concern, however, with Amtrak's use of the ''attractiveness of high speed trains themselves'' as an element in its HSR projections.

LABOR COSTS

For quite some time Amtrak has had labor agreements with its unions that are more favorable than those of the major freight railroads. Amtrak recently signed a new agreement with the Brotherhood of Maintenance of Way Employees that it hopes will set the pattern for bargaining with its other 12 unions. Finally, Amtrak notes that for many of its positions, its employees are paid less than those doing comparable tasks on the commuter lines. On this score, I believe that freight railroad employees around the nation, not commuter line employees in high cost Metropolitan areas are the relevant comparison group. Amtrak's labor costs are roughly the same as those working in the freight industry. Labor costs are Amtrak's largest expense and these costs are rising.

Amtrak projects a near quarter billion dollar increase in labor costs over the life of the agreement. About 20 percent of this is to be offset by work rule changes and productivity improvements. The result says Amtrak is an incremental annual cost increase of less than $40 million on a billion dollar annual payroll over the 5-year life of the contract. However, 2 of the 5 years have already past, so the payout is over the remaining three years.

While some of the numbers are there, I have difficulty figuring out just what the contracts imply for Amtrak's future. First, Amtrak focuses on the ''incremental cost'' above and beyond the COLA's and GWI. But these are substantial. Second, I can not tell what the annual impact might be if these contracts were extended to 2001 and beyond. The data on page 123, Amtrak's submission of the results of extrapolating the BMWE contract suggest that wages will increase $150 million in 2000 adding the new costs to the existing COLAs. This does not strike me as insignificant. Amtrak expects nearly $30 million savings mostly from work rule changes, but whether these projections will likely be realized I can not judge without more information.

The bottom line is that labor costs are rising and, if ridership and revenue growth fail to fully materialize (either because the economy turns down and/or competition from others modes intensifies) Amtrak's financial condition will become even more precarious.

AGE OF EQUIPMENT

Amtrak inherited an aged fleet of locomotives and passenger cars. The average diesel locomotive was 19 years old and none of the electrics were less than 29 years old—together they averaged 22 years. The average passenger car was more than 20 years old and some were nearly 35 years old. These were best cars available from the railroads that formerly ran the intercity passenger trains. Amtrak was remarkably successful in updating the fleets, especially the locomotive fleet. In 1981, the average locomotive was just 7 years old. The passenger car fleet also was gradually replaced so that by 1981 the average age of the rolling stock was about 14 years. New equipment is more reliable, more attractive, and less costly to maintain. Unfortunately, the gains of the first decade have been lost and Amtrak's fleets are again aging. Locomotives are now 12 years old on average and rolling stock about 20 years old.

Some of the equipment that pulls up the average age is reserve equipment, not in regular operations. Amtrak has a schedule for new car and locomotive deliveries that it submitted in response to your post-hearing questions. However, even as new equipment is brought on line each year, all the other equipment gets one year older. I would like to see a table combining acquisitions and retirements and the impact on average ages of the locomotive and passenger car fleets.

CONCLUSION

The monies made available through the TRA combined with increased flexibility in how the funds are spent ensures that in the near term the struggle will not become a crisis. But, Amtrak continues to face an uncertain future. Further fare hikes to increase revenues might be limited by air fare competition, low gasoline prices, and a slowing economy. Its labor cost situation might be as best it can do given the nature of the operation, but it will add to the problem of eliminating the need for federal operating subsidy.

I hope these observations are helpful as you consider the future of the nation's intercity rail passenger system.

Sincerely,

FRANCIS P. MULVEY.

GENERAL ACCOUNTING OFFICE,
Washington, DC, June 5, 1998.

Subject: Intercity Passenger Rail: Prospects for Amtrak's Financial Viability

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: Since it began operations in 1971, the National Railroad Passenger Corporation (Amtrak) has never been profitable and has received about $21 billion in federal subsidies for operating and capital expenses. Amtrak currently provides intercity passenger rail service along 40 routes that cover about 22,800 miles in 44 states and Washington, D.C. Because of your continuing concerns about the financial stability of Amtrak, you asked us, along with others, to provide our comments on Amtrak's long-term financial viability. Specifically, as agreed with your office, we examined (1) Amtrak's current financial status and (2) the outlook for its long-term financial viability. Our comments are primarily based on our recent work examining Amtrak's financial condition.[1]

In summary, during the last 3 fiscal years, Amtrak reduced its annual net loss by only $72 million—from $834 million in fiscal year 1994 to $762 million in fiscal year 1997.[2] Amtrak projects that its net loss will grow to $845 million this fiscal year, resulting in a cash-flow deficit of up to $200 million and contributing to substantial deficits in the

[1] Including federal operating and capital subsidies, NEC improvements, and state and local support.

[1] Footnotes at end of report.

next 2 years. In response, Amtrak's Board of Directors approved a revised strategic business plan in March 1998 that would use about $800 million of anticipated federal capital appropriations over the next 5 years for maintenance expenses, which traditionally have been treated as operating expenses. According to Amtrak, the flexibility to use appropriated capital funds to pay for maintenance would provide it with stability over the next several year, thereby averting a possible bankruptcy. However, using these federal funds for maintenance expenses will correspondingly reduce the funding available for Amtrak's proposed capital improvements that are needed to enhance its long-term viability. Amtrak recently initiated a market-based analysis of its route system that is important for its long-term viability because Amtrak's current route system will continue to incur substantial annual net losses. Amtrak remains heavily dependent on federal funding to pay its operating and capital expenses and will remain so for the foreseeable future.

BACKGROUND

In December 1994, at the direction of the administration, Amtrak established the goal of eliminating its need for federal operating subsidies—except for federal contributions to retirement payments for railroad employees—by fiscal year 2002 and established a ''glidepath'' of decreasing federal operating subsidies for each intervening year.[3] The Congress, in the Amtrak Reform and Accountability Act of 1997, stated that federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by 2002. In addition, the act requires the newly established Amtrak Reform council to develop an action plan for a ''restructured and rationalized national intercity passenger rail system'' if it determines, at any time after December 1999, that Amtrak is not achieving its financial goals or that it would require operating subsidies after December 2002. Under such circumstances, Amtrak would be required to develop and submit to the Congress an action plan to liquidate the railroad.

The Taxpayer Relief Act of 1997 makes a total of $2.2 billion available to Amtrak in fiscal years 1998 and 1999 to acquire capital improvements and to pay, among other things, certain equipment maintenance expenses.[4] Amtrak has stated that it will use funds from the Taxpayer Relief Act for those high rate-of-return capital investments that over time would strengthen its long-term financial viability, improve productivity and efficiency, and reduce its reliance on federal operating subsidies.

AMTRAK'S CURRENT FINANCIAL STATUS

Despite efforts to increase revenues and reduce costs, Amtrak is in a very precarious financial condition. Amtrak has reduced its annual net loss from $834 million in fiscal year 1994 to $762 million in fiscal year 1997. In March 1998, Amtrak's Board of Directors approved a revised strategic business plan for fiscal years 1998 through 2003 that projects that its net loss will grow to $845 million in fiscal year 1998—$83 million more than in fiscal year 1997. Amtrak's projected net loss is larger in fiscal year 1998 because (1) its agreement with the Brotherhood of Maintenance of Way Employees in November 1997 would add about $35 million in expenses in fiscal year 1998 if its terms were extended to all of Amtrak's unions and (2) its estimated net revenue from its express service for transporting high-value, time-sensitive merchandise was recently reduced from $59 million to $11 million in fiscal year 1998. In addition, fiscal year 1997 revenues included $69 million from the one-time sale of telecommunications rights-of-way and real estate in the Northeast Corridor.

Amtrak has a serious cash-flow problem because its revenues and federal operating subsidies do not cover its expenses. While Amtrak borrowed $75 million to meet its operating expenses in fiscal year 1997 and initially planned to borrow $100 million in fiscal year 1998, its March 1998 revised plan projects a cash-flow deficit of up to $200 million in this fiscal year, which could exceed its $170 million line of credit. To cover its cash-flow deficit, Amtrak plans to use $100 million from its short-term lines of credit and temporarily use up to $100 million in funds from the Taxpayer Relief Act in fiscal year 1998 for certain equipment maintenance expenses.

AMTRAK'S LONG-TERM FINANCIAL VIABILITY

Amtrak's ability to remain financially viable is influenced by three factors—the federal subsidies it receives, its ability to increase revenues and control costs, and the business decisions it makes regarding its route system. Current prospects for Amtrak's long-term viability are uncertain unless the corporation reduces its net losses by increasing revenues and controlling costs. As currently structured, Amtrak will continue to require federal capital and operating support in fiscal year 2002 and well into the future.

RELIANCE ON FEDERAL SUBSIDIES

Amtrak is unlikely ever to be free of the need for federal capital subsidies because of the capital-intensive nature of railroads. Amtrak's March 1998 strategic business plan shows that Amtrak will also depend heavily upon federal subsidies for operating expenses through fiscal year 2003, and, therefore, will not achieve its goal of eliminating the need for federal support for operating expenses by fiscal year 2002.

An immediate issue affecting Amtrak's long-term viability is the amount and use of federal support for fiscal year 1999. The administration proposes a capital appropriation of 621.5 million but no operating appropriation. The budget justification also proposes that, similar to Federal Transit Administration grantees, Amtrak be allowed to use appropriated capital funds to pay expenses for preventive maintenance that Amtrak has traditionally treated as operating expenses.[5] Amtrak's March 1998 strategic business plan proposes to spend $1.8 billion (65 percent) of the Administration's proposed $2.8 billion in capital appropriations for maintenance expenses between fiscal years 1999 and 2003 to reduce its net losses and cash-flow deficits. As a result, Amtrak would spend $800 million (15 percent) less for capital improvements over the next 5 years than it had previously planned under its glidepath approach.

According to Amtrak, the flexibility to use appropriated capital funds to pay for maintenance would provide it with stability over the next several years, thereby averting a possible bankruptcy. However, spending capital funds on maintenance would decrease the amount of money available for capital improvements and equipment overhauls that will be necessary to increase revenues and reduce costs. Such investments are essential to Amtrak's long-term viability.

AMTRAK'S ABILITY TO INCREASE REVENUE AND REDUCE COSTS

Amtrak's ability to increase its revenues and reduce costs also will influence its long-term viability. However, while the corporation has made some progress in increasing its revenues and controlling costs over the past 3 fiscal years, it did not achieve its budget goals in fiscal years 1996 and 1997. Furthermore, since 1990, Amtrak's revenues, considered in constant dollars, have been relatively flat.

Amtrak's plans for increasing revenues have depended largely on expanding its express service for transporting high-value, time-sensitive merchandise and introducing high-speed rail service in the Northeast Corridor. However Amtrak's revised strategic business plan reduced its projections of profits from its express merchandise service from about $75 million annually to $21 million in fiscal year 1999 and $27 million annually through fiscal year 2003. On May 28, 1998, the Surface Transportation Board granted Amtrak's application to transport express merchandise over the Union Pacific Railroad Company's and the Southern Pacific Transportation Company's track, provided that Amtrak offers ''a premium transportation service at premium rates—expedited, regularly scheduled train service provided at prices which are generally higher than freight service—that is provided as an adjunct to Amtrak's passenger service.'' Amtrak expects that express merchandise service will improve the financial performance of certain of its long-distance routes.[6]

Amtrak projects that fully implementing high-speed rail service on the Northeast Corridor by the end of fiscal year 2000 will significantly increase net revenues for the routes between Washington, DC, and Boston and will foster the growth of other routes along the Northeast Corridor. Amtrak projects that high-speed rail service will provide profits of $93 million in fiscal year 2000 and $219 million in fiscal year 2003. If achieved, these additional net revenues would eliminate almost all of the Northeast Corridor Strategic Business Unit's net loss. However, even with these net revenues, Amtrak expects that its systemwide net loss will decline by only $158 million—from $845 million in fiscal year 1998 to $687 million in fiscal year 2003.

Two bright spots for Amtrak are its commuter operations and increased contributions by states for intercity passenger rail services that have particularly benefited their residents. Amtrak's profits from operating commuter trains grew from $18 million in fiscal year 1995 to $38 million in fiscal year 1997. Similarly, operating support from the states for Amtrak's intercity passenger service more than doubled between fiscal years 1994 and 19997. In fiscal year 1997, 12 states provided a total of amount $70 million to subsidize service on 17 Amtrak routes.

Amtrak's long-term financial viability will be affected by its ability to control costs as well as increase revenues. However, Amtrak's record in controlling costs indicates that achieving future goals for cost reductions may be difficult. Amtrak did not meet its cost-reduction goals for fiscal years 1996 and 1997. Furthermore, while revenues from Amtrak's core intercity passenger services grew by about 4 percent in fiscal year 1997 (including a 7-percent increase in passenger revenues),[7] expenses for these services its debt—primarily incurred to modernize its fleet of locomotives and passenger cars—will rise from $76 million in fiscal year 1997 to $97 million in fiscal year 1999.

Amtrak also will face challenges in controlling future costs because labor costs will increase significantly. Amtrak estimates that extending the terms of its November 1997 agreement with the Brotherhood of Maintenance of Way Employees to all of its unions will increase costs between $60 million and $70 million a year between fiscal years 1999 and 2003.[8] In addition, Amtrak and Federal Railroad Administration officials told us that reforms contained in the Amtrak Reform and Accountability Act of 1997 will provide little, if any, immediate effect on Amtrak's financial performance and that their long-term benefits are unclear.[9] Specifically, the act (1) Repealed a statutory ban on contracting out work that would result in employee layoffs, except for food and beverage service and (2) eliminated, effective May 31, 1998, statutory and contractual arrangements to protect labor that provided up to 6 years' compensation and benefits for employees who loose their jobs because of specific covered actions, such as the discontinuance of service on a route or the closure of a maintenance facility. In the long term, repealing the ban on contracting out work may provide Amtrak with important flexibility in labor negotiations and cost control. Amtrak and its unions are addressing labor protection arrangements in collective bargaining negotiations. While Amtrak currently does not have plans to close any of its 40 routes, eliminating these arrangements could become important if, for example, the market analysis that Amtrak recently initiated results in a decision to substantially reorganize its route system.

BUSINESS DECISIONS REGARDING AMTRAK'S ROUTE NETWORK

The business decisions Amtrak makes regarding the structure of its route system will play a crucial role in determining its long-term viability. Amtrak spends almost $2 for every dollar of revenue it earns in providing intercity passenger rail services.[10] Only the Metroliner's high-speed service between Washington, D.C., and New York City is profitable; all of Amtrak's other 39 routes operate at a loss. Fourteen of Amtrak's 40 routes lost more than $100 per passenger in fiscal year 1997. Amtrak will continue to incur large net losses if it continues to operate its current route system.

Figure 1 shows that, during fiscal year 1997, fewer than 100 passengers, on average, boarded Amtrak intercity trains and connecting buses per day in 13 states.[11] (See the enc. for the estimated daily average ridership by state in fiscal year 1997.) Amtrak officials noted that ridership in a state is not directly linked to Amtrak's profitability because other factors, including ticket prices and a train's expenses, need to be considered. Nevertheless, we believe that the relatively large number of states with relatively low ridership, along with other financial performance data, is indicative of Amtrak's financial performance problems.

Within a year, Amtrak plans to complete a market-based analysis of the role and growth potential of its national passenger rail system. This study will identify opportunities to increase Amtrak's revenues and market share by analyzing customer demand, revenues, expenses, and net contributions associated with each route in Amtrak's route system to identify service amenities, pricing changes, and route changes that may improve the corporation's ridership and revenues in the short and the long terms. Amtrak's study will also consider various service alternatives and their potential effects on revenues and expenses. In your March 11, 1998, hearing on Amtrak's fiscal year 1999 appropriation, the acting President of Amtrak testified that he was not comfortable that today's national system is ''the most effective, economical market-driven system.'' He added that Amtrak's challenge over the next year is to try to ''define and articulate a national system that works . . . within reasonable economic parameters.'' This market-based analysis is the third extensive study of Amtrak's route system undertaken in the past 4 years; the first two studies, completed in 1994 and 1996, focused on cutting costs.

While Amtrak management considers this market-based analysis, which will identify alternatives to the current route system, to be critical for securing its long-term viability, past experience indicates that major changes to the existing route system will be difficult to make and that the financial effects of changes will be difficult to predict. Amtrak has encountered opposition when it has proposed to cut routes because of the desire by various groups to see passenger train service continued in potentially affected communities. For example, in response to concerns raised by affected parties, Amtrak scaled back initial plans to reduce routes and services in fiscal years 1995 and 1997. During fiscal year 1995, Amtrak reduced and eliminated service on several routes, resulting in a 13-percent reduction in the total miles that Amtrak trains traveled between fiscal years 1994 and 1996 and $54 million in cost savings in fiscal year 1995. However, anticipated cost savings were not realized in fiscal year 1996. In fiscal year 1997, Amtrak closed two routes to increase the frequency of service on three other routes; to date, these adjustments have not led to financial improvements in Amtrak's bottom line.

We discussed the contents of this report with Amtrak officials, including the Vice President for Finance and Chief Financial Officer, who provided comments to improve the report's technical accuracy, which we incorporated as appropriate.

We are sending copies of this report to the acting President of Amtrak; the Secretary of Transportation; and the Director, Office of Management and Budget. We will also make copies available to others upon request.

If you or your staff have any questions about this report, please contact me at (202) 512–3650. Major contributors to this report were Richard Cheston, Judy Guilliams-Tapia, and James Ratzenberger.

Sincerely yours,

PHYLLIS F. SCHEINBERG,
Associate Director,
Transportation Issues.

FOOTNOTES

[1] Intercity Passenger Rail: Financial Performance of Amtrak's Routes (GAO/RCED–98–151, May 14, 1998), Intercity Passenger Rail: Outlook for Improving Amtrak's Financial Health (GAO/T–RCED–98–134, Mar. 24, 1998), Intercity Passenger Rail: Issues Associated With a Possible Amtrak Liquidation (GAO/RCED–98–60, Mar. 2, 1998), and DOT's Budget: Management and Performance Issues Facing the Department in Fiscal Year 1999 (GAO/T–RCED/AIMD–98–76, Feb. 12, 1998). In addition, we obtained information on Amtrak's ridership by state and for Washington, D.C.

[2] Net loss is Amtrak's total expenses—including depreciation of its equipment and infrastructure—minus total revenues. Amtrak refers to this difference as its operating loss.

[3] Amtrak revised its glidepath by requesting an additional $84 million in federal operating support for fiscal year 1999 because, in previous years, it had not received the federal operating funding that the original glidepath had assumed.

[4] Amtrak is required to pay 1 percent of the $2.3 billion made available under the act to each state that it does not serve.

[5] Preventive maintenance is designed to keep Amtrak's locomotives, passenger cars, and other equipment; facilities; and infrastructure in good operating condition.

[6] Amtrak anticipates that the three routes that lost the most money per passenger in fiscal year 1997 could generate substantial new revenues if its express merchandise service was expanded. These routes are the Sunset Limited (between Los Angeles and Orlando), the Texas Eagle (between Chicago and San Antonio or Los Angelse), and the Southwest Chief (between Chicago and Los Angeles).

[7] These include revenues from passenger ticket sales, food and beverage sales, mail and express merchandise service, as well as contributions from the states.

[8] Productivity savings negotiated with the unions are accounted for in this estimate.

[9] For a fuller discussion of these issues, see GAO/RCED–98–151.

[10] For its business operations as a whole, Amtrak spends $1.46 for every dollar it earns.

[11] Our calculations of the daily average number of passengers by state are estimates and exclude riders for whom the states in which they boarded are unknown. This unknown ridership (which primarily includes passengers who have multiride tickets that do not identify a particular origin or destination) totaled about 2.5 million in fiscal year 1997, or 6,724 passengers per day.

AMTRAK RIDERSHIP BY STATE, FISCAL YEAR 1997

State	Annual number of passengers boarding	Estimated daily average number of passengers boarding	Annual number of passengers alighting	Estimated daily average number of passengers alighting
Alabama	30,843	85	30,720	84
Arizona	42,587	117	43,507	119
Arkansas [1]	8,446	70	8,176	68
California	4,054,944	11,109	4,024,714	11,027
Colorado	115,150	315	113,343	311
Connecticut	427,073	1,170	443,339	1,215
Delaware	272,370	746	274,597	752
District of Columbia	1,494,748	4,095	1,494,276	4,094
Florida	431,933	1,183	442,993	1,214
Georgia	68,678	188	68,600	188
Idaho	4,887	13	5,105	14
Illinois	1,337,426	3,664	1,334,269	3,656
Indiana	48,136	132	50,878	139
Iowa	24,121	66	28,252	77
Kansas	16,121	44	17,781	49
Kentucky	4,214	12	3,688	10
Louisiana	102,975	282	103,401	283
Maryland	686,424	1,881	685,603	1,878
Massachusetts	591,258	1,620	570,265	1,562
Michigan	377,669	1,035	378,131	1,036
Minnesota	68,124	187	66,669	183
Mississippi	49,052	134	50,120	137
Missouri	205,932	564	204,491	560
Montana [2]	50,378	138	51,458	141
Nebraska	17,688	48	18,273	50
Nevada	49,083	134	77,382	212
New Hampshire	780	2	831	2
New Jersey	544,155	1,491	545,934	1,496

AMTRAK RIDERSHIP BY STATE, FISCAL YEAR 1997—Continued

State	Annual number of passengers boarding	Estimated daily average number of passengers boarding	Annual number of passengers alighting	Estimated daily average number of passengers alighting
New Mexico	42,118	115	41,592	114
New York	3,600,203	9,864	3,584,546	9,821
North Carolina	236,220	647	235,460	645
North Dakota [2]	28,718	79	29,259	80
Ohio	92,540	254	91,518	251
Oregon	267,430	733	261,470	716
Pennsylvania	1,778,265	4,872	1,778,437	4,872
Rhode Island	177,679	487	185,880	509
South Carolina	80,292	220	80,041	219
Tennessee [3]	20,018	55	19,930	55
Texas [1]	77,981	644	76,705	634
Utah	19,778	54	20,529	56
Vermont	49,224	135	50,330	138
Virginia	446,924	1,224	440,320	1,206
Washington	372,068	1,019	378,107	1,036
West Virginia	22,814	63	24,339	67
Wisconsin	182,305	499	182,427	500
Wyoming [4]	3,701	39	3,482	37
Unknown [5]	2,454,435	6,724	2,453,624	6,722

[1] The average daily ridership computation reflects that Arkansas and Texas each had train service only three times a week during fiscal year 1997.
[2] Montana and North Dakota had train service four times a week from October 1, 1996, to May 10, 1997, when Amtrak restored daily service through Montana and North Dakota on the Empire Builder route.
[3] Tennessee had train service six times a week from October 1, 1996, to May 11, 1997, when Amtrak restored daily service through Tennessee on the City of New Orleans route.
[4] The average daily ridership computation reflects that Amtrak discontinued train service in Wyoming on May 10, 1997, when it closed the Pioneer route.
[5] Amtrak could not readily identify the states in which these passengers boarded or alighted from its trains.

Note: Amounts include passengers on Amtrak trains and connecting buses. Each state, except Arkansas, Montana, North Dakota, Tennessee, Texas, and Wyoming, had daily train service provided by one route or more operating within the state. Amtrak intercity passenger trains did not serve Alaska, Hawaii, Maine, Oklahoma, or South Dakota in fiscal year 1997.
Source: GAO's analysis of Amtrak's data.

AMTRAK, THE NATIONAL RAILROAD PASSENGER CORPORATION: CURRENT PERFORMANCE AND FUTURE PROSPECTS

(By Randolph R. Resor)

STATEMENT OF QUALIFICATIONS

My name is Randolph R. Resor. I am Vice President, Costing and Economic Analysis for ZETA-TECH Associates, Inc., a transportation consulting firm with offices at 900 Kings Highway North, Suite 208, Cherry Hill, NJ 08002.

I received a Bachelor of Arts degree in History and Economics from the University of Chicago in 1975. I attended Northwestern University's Transportation Center for a year of graduate study in transportation management, completing courses in finance, marketing, transportation planning, and economic geography.

I have spent twenty-one years in the rail transportation industry. In 1977, I began my career as a Special Assistant to the president of the Association of American Railroads, where I performed economic analysis and assisted in developing industry positions on a number of topics, including waterway user charges and railroad deregulation. After nearly two years at the AAR, I moved to the United States Railway Association. Following conveyance of the rail assets of the bankrupt railroads to Conrail, USRA had a continuing role in monitoring the use of Federal funds to improve the Conrail properties. My responsibility at USRA was the analysis of Conrail's ongoing track reconstruction program. Issues included appropriateness of the planned projects and expected operational and safety improvements resulting from track reconstruction.

Following my time at USRA, I worked in transportation consulting for two years. Projects included an oversight contract on the Northeast Corridor Improvement Program (NECIP), publication of the FRA Accident/Incident Bulletin and the rail/highway crossing accident statistics for 1980, and an assessment of intermodal cargo movement through U.S. ports.

In 1982 I accepted a position with the New York City Transit Authority (NYCTA) in New York, the agency which operates the New York City subway system. I worked at NYCTA from 1982 through 1987. My first task was the construction of a cost forecasting model, which required me to develop relationships between measures of size and output (number of trains, number of miles of track) and spending by the NYCTA. NYCTA tracks had become severely deteriorated due to lack of maintenance, and because of my specialized knowledge of the relationship between traffic levels and track maintenance costs, after developing the cost model I was assigned to prepare a plan for systemwide track reconstruction. When the plan was implemented, I was given responsibility for budgeting, planning, and scheduling each year's work program.

In 1987 I joined ZETA-TECH Associates, Inc. as Director of Costing, and became Vice President in 1992. In the past eleven years I have directed studies of the economics of heavy axle load fright cars, quantified the economic benefits of advanced train control systems for railroads, and investigated the economic potential of new technologies in areas as diverse as locomotive design, composite materials, and hot wheel bearing detectors. But a major focus of my work at ZETA-TECH has been the development and application of engineering-based methodologies for assigning track maintenance costs to particular types of rail traffic and particular parts of the railroad. Together with ZETA-TECH's president, Allan Zarembski, Ph.D., I developed the Weighted System Average Cost (WSAC) methodology for assigning costs to tracks and traffics. WSAC has been applied on six North American railroads, and was accepted in December 1995 by the Interstate Commerce Commission as the "best available" methodology for determining the incremental track maintenance cost associated with the operation of a particular type of rail service (e.g. passenger trains).

I. SUMMARY OF PURPOSE

I am submitting this statement at the request of Frank Wolf, Representative from Virginia and chairman of the Transportation Subcommittee of the House Appropriations Committee. The purpose of my statement is to assess the current condition and future prospects for Amtrak, the National Railroad Passenger Corporation, based on testimony and General Accounting Office (GAO) reports with which I have been provided by committee staff.

Amtrak began its operations in 1971. In nearly 30 years, the debate over Amtrak has repeatedly revisited the same issues: Lack of a dedicated funding source; inadequate capital investment; failure to exploit many obvious markets for passenger service; unreliable trains and poor service quality; high cost relative to the service levels provided.

The materials presented in testimony before the Subcommittee by the Federal Railroad Administration and Amtrak tell the same story yet one more time. Again, Amtrak is in crisis. According to FRA, over the next five years Amtrak will receive more funding than it has in any five-year period since its foundation. But again, capital funding is inadequate according to Amtrak, which claims to need double the $2.2 billion in the Taxpayer Relief Act. Over the last four years, Amtrak has attempted a painful restructuring of its operations that has produced the first major service abandonments since 1980. Annual reductions in Federal operating subsidies, along with a failure to realize budgeted economies and revenue increases, have resulted in steadily increasing negative cash flows, to the point that bankruptcy of the corporation is being seriously discussed.[1] Yet at the same time, large investments in high-speed train sets and electrification are being made along the Northeast Corridor, Western states are funding purchase of Talgo tilt-trains and other new rolling stock, and patronage, at least in some areas, is increasing. So the question remains: what is the future of Amtrak? This paper will attempt to develop an objective answer to that question.

II. AMTRAK'S CURRENT CONDITION

A. Operating results

Amtrak is pleased to boast of its increasing revenues. However, a look at Amtrak's own figures tells a somewhat different story than Amtrak chooses to present? What it shows is the following:

Revenues from passenger train operations (tickets, food and beverages, 403b services) have decreased from 70% of total revenues in 1988 to 57% in 1997.

Passenger miles reached their lowest level in ten years in 1996, and are up only slightly for 1997.

Passenger revenue (in current dollars) has been essentially flat since 1990.

The load factor has declined steadily from 53% in 1988 to a low of 46% in 1996, improving slightly to 47% in 1997.

Amtrak is also pleased to boast about the "glide path" to self-sufficiency. While it is true that Amtrak's operating subsidy was only $223 million in 1997, 42% of the 1988 level, this reduction was largely achieved by running an operating deficit. In 1988, with a $532 million operating subsidy, Amtrak ran a year-end surplus of $35 million. Thus, the net

Footnotes at end of article.

loss was only $497 million. In 1997, the year-end deficit was $70 million, and there was also a Federal contribution of $142 million for excess RRTA payments (this amount was included in the 1988 subsidy). Thus, in 1997 Amtrak actually received $444 million and ran a $70 million deficit beyond this, totaling to a net loss of $521 million. It is difficult to see this result as an improvement. Furthermore, Amtrak generated 9% fewer passenger-miles in 1997 than in 1988.

Figure 1 shows Amtrak's sources of revenue over the last ten years. Note that while total revenue has grown by 51% in current dollars, passenger revenue (income from carrying passengers on trains) has grown only 27% in the same period. Amtrak is in effect getting out of the passenger train business, generating increasing amounts of income from contract operation of commuter trains, from real estate, and (most recently) attempting to add express freight services to its trains. [Figures not reproduced.]

In terms of total cash contribution, the commuter service operating contracts generated the largest part of this non-passenger revenue. Carriage of U.S. mail was a distant second. Despite substantial investments in equipment by Amtrak during 1997, the ''express'' business generated very little revenue, as Amtrak notes in its legislative report. It did, however, generate a great deal of controversy. Amtrak is currently embroiled in a proceeding before the Surface Transportation Board in which Union Pacific Railroad and Conrail are challenging the corporation's right to solicit express traffic on its passenger trains. I will return to this issue at a later point in this paper.

It also must be noted that, in constant (inflation-adjusted) dollars, passenger revenues have been stable since 1989. The selective increases in ''yield'' that Amtrak notes have simply kept pace with inflation. The improvement in subsidy per passenger over the same period appears to result mainly from an increase in the percentage of short-distance riders (at lower fares and therefore lower subsidy). This is unsurprising, since the majority of the service reductions since 1994 have affected long-distance trains.

B. Ridership trends

Amtrak has trumpeted recent increases in West Coast Business unit patronage. However, the WCBU is the smallest of Amtrak's three Strategic Business Units (SBUs), and only the increase in 1997 (10% over 1996) was large enough to interrupt a secular downtrend in annual passenger miles that had been continuous since 1991.

Passenger miles reached a high (for the Amtrak era) of 6.365 billion in calendar 1979 (the year of the Iranian revolution), and declined thereafter through the mid 1980s. Since then, there has been some growth. However, the most recent peak was in 1991, when Amtrak generated 6.2 billion passenger miles. This number equaled the passenger miles generated by the private railroads in 1970, the last full year of private operation of passenger trains. Passenger miles have declined continuously since (except for 1997).

The number of passengers carried by Amtrak also peaked in 1979 (the year of the Iranian revolution) at 21.5 million. This level of ridership was not reached again until 1988, and was exceeded only in 1990, 1991, and 1993. With the 1995 restructuring, the number of passengers returned to the levels of the late 1970s.[3]

The point of this discussion is that an examination of Amtrak ridership trends reveals no clear trend. Ridership has been stable, with minor increases and decreases, for nearly twenty years. Adjustments to the size of the network appear only to shift ridership from one area to another. Increases on one route or in one market appear to be balanced, in general, by decreases elsewhere. Figure 2 shows trends since 1970.

C. Restructuring and revenue initiatives

Amtrak's attempts at restructuring appear to have failed to achieve the economies claimed for them. Ridership has declined from its 1991 high, and revenues have only kept pace with inflation despite large increases in prices in some markets (as an example, a round-trip Metroliner coach ticket from Philadelphia to Washington cost $96 in 1993. The current price is $156). In fact, there is considerable anecdotal evidence that Amtrak may have exhausted opportunities to increase passenger fares. On the Northeast Corridor, Metroliner fares now equal or exceed prices charged by competing airlines. Elsewhere, the cost of air travel also restrains opportunities for increases. A round-trip from Philadelphia to Jacksonville, FL in an Amtrak sleeping car now exceeds the weekday, unrestricted air fare by about $200.

By its actions, Amtrak appears to have recognized the limited opportunities for increasing fare yield. Instead, the company has pursued real estate development, U.S. Mail contracts, and the movement of ''express'' traffic. As noted earlier, Amtrak in 1997 realized only 57% of its total revenue from passenger fares, as against 70% in 1998.

The difficulty with Amtrak's apparent strategy is that, to date, it seems to have borne no fruit. The expansion of express traffic, promised in Amtrak's business plan to yield as much as $70 million in incremental annual revenue, is tied up in a Surface Transportation Board proceeding. There may be some additional opportunities in the management of commuter rail operations or in additional mail contracts. However, the volume of mail and express now being carried by Amtrak has already caused the corporation to lengthen schedules (to allow for the extra switching needed, and to allow time for loading and unloading).

The bottom line is that the United States now has less passenger service than in 1988, for about the same subsidy.

III. FUTURE PROSPECTS

A. Real estate and express

Since 1988, when Washington Union Station was opened with great fanfare, Amtrak has attempted to exploit the commercial potential of real estate along the Northwest Corridor and elsewhere. However, real estate revenues have never exceeded $55 million annually, and show no clear growth trend over the last ten years. It appears unlikely that Amtrak will be able to meet its mandate of self-sufficiency through real estate development.

Mail, baggage, and express revenues have doubled, to $70 million annually, in ten years. However, the express business has been much slower to develop. In written testimony provided to the Transportation Subcommittee, George Warrington of Amtrak noted that net revenues from express traffic, forecast at $75 million to $76 million in the September 1997 Strategic Plan, have been reduced to a maximum of $27 million in 1999 and beyond. Even with a favorable STB decision, it appears doubtful that express revenues could close the revenue gap for Amtrak.

B. Payments to freight railroads

Amtrak is really two separate railroads. In the Northeastern U.S., the right-of-way is owned by Amtrak, which allows use of it (for a fee) by commuter and freight railroads. Their payments are used to defray part of the maintenance cost.

Elsewhere in the U.S., Amtrak is almost always a tenant on privately-owned freight railroads, who receive compensation for use of the track. By law, Amtrak pays only the ''incremental'' cost of this use (defined as the cost that would be avoided should Amtrak cease operating). This cost is very substantially less than what the private railroads typically pay each other for ''trackage rights'', and accounts for much of the controversy over Amtrak haulage of express traffic. Table 1 compares typical Amtrak payments with those paid by freight railroads to each other.

TABLE 1.—PAYMENTS FOR TRACKAGE RIGHTS

	Basis	Amount per car mile
Freight railroad (typical)	Car mile	$0.20 to $0.30
UP/SP Merger trackage rights to BNSF.	Ton mile	$0.18
Amtrak to freight railroads	Train mile	$0.07 to $0.20, depending on train length
Freight railroads to Amtrak for NEC use.	Car mile	$0.89
Commuter rail operators	Train mile	$1.00 to $2.00

In December of 1995, Amtrak was dealt a setback that is mentioned nowhere in the GAO reports, the Amtrak Legislative Report, or in testimony. In that month, the Interstate Commerce Commission found for Conrail in a compensation case against Amtrak. Amtrak was directed to pay nearly $3 million per year for use of Conrail trackage. This decision set the pattern for renegotiation of contracts with all private railroads over which Amtrak operated. All contracts expired in 1996. Previously, Amtrak used a formula that reduced the incremental cost of passenger train operation as total railroad traffic volume increased, and this formula had produced costs as low as $0.70 per train mile on some railroads. Following the ICC decision, Amtrak's new contracts have been averaging about $1.00 per train mile for track usage, plus incentives for on-time performance.

The net cost of these new contracts to Amtrak may be as much as $50 million per year, but still does not give the freight railroads the level of payments they would receive from providing trackage rights to each other. As long as the operation of Amtrak trains produces substantially less revenue for the freight railroads than operation of freight trains, Amtrak can expert resistance to initiatives such as the planned move into the express business. Also, the Western railroads are seriously capacity-constrained, as the UP ''service meltdown'' has made clear. Additions to capacity can be expensive. If these investments must be made as a result of the presence of Amtrak trains, there may be an expectation that Amtrak will pay part, or all, of the cost.

By any objective measures, Amtrak enjoys access to the freight railroad network at ''below market'' rates. While this may continue, so will the resistance of the freight railroads to expansion of service. Potentially, this resistance could result in increased costs of access for Amtrak in the future, especially if substantial increases in passenger train traffic are proposed.

C. The Northeast corridor

Ownership of the Northeast Corridor (the railroad from Boston to Washington, with branches from New Haven to Springfield, MA and from Philadelphia to Harrisburg, PA) was conveyed to Amtrak by Conrail in 1976 as part of the transfer of assets from the Penn Central estate and other railroads to Conrail, local governments, and commuter rail operators. In the subsequent 22 years, a total of about $2.5 billion has been spent on capital improvements of various kinds. Service on the ''southend'', from New York to Washington, is generally reliable and quick, with schedules of three and a half hours or less typical for most trains. The ''northend'' is still operated with diesel locomotives from New Haven to Boston, since the original funding of 1977 and later was insufficient to electrify the railroad. However, electrification is now finally underway, and Amtrak pins many of its hopes for the future on the increased patronage expected from the faster Boston-New York service that will result.

The NEC SBU already carries more than half of Amtrak's passengers. Completion of the northend improvements will only strengthen its position.

The Northeast Corridor (NEC) represents an unusual opportunity for Amtrak. First, it has excess capacity that might be sold to freight operations. Second, it serves the largest urban area and one of the largest ports in America (New York). Amtrak has been ambivalent about increased freight traffic on the NEC, however, despite the announced intention of Norfolk Southern (in its Conrail purchase filing) to greatly increase its freight operations in the corridor. In fact, there was until recently a marked lack of interest on Amtrak's part in even renegotiating the existing Conrail NEC access agreement.

The opportunity for Amtrak lies in more effectively exploiting the NEC for freight operations, and possibly also in a lease/purchase arrangement (possibly with states, port authorities, or an entity specifically created for the purpose) that could make badly needed capital available in return for annual lease payments. The value of the NEC may be large enough to provide the funds Amtrak says it requires.

D. The ''glide path''

Amtrak has recognized that certain elements of the September 1997 Strategic Business Plan, such as the projected revenue from express service, are no longer realistic. However, it appears that the ''glide path'' itself may no longer be a realistic expectation. Amtrak's request to divert part of the $2.1 billion in TRA funds to operating subsidy is a virtual admission that financial self-sufficiency, at present, appears out of reach. Certainly, nothing in the trends of the last 20 years suggests that Amtrak may expect major changes in patronage or revenues short of inventing some radical new way to conduct the business of passenger railroading.

It appears that Amtrak may be caught in a sort of circular argument. Without further capital investment, Amtrak will be unable to enter new markets and compete for new business. However, Amtrak has never had the capital to do this, and has never done it. Perhaps Amtrak's boldest venture was in taking over the ''Auto Train'' service in 1983. However, this service (which was operated for nearly a decade, at a profit, by Auto Train) is now one of the largest loss-makers among Amtrak trains.[4] Further, its loss per passenger has increased rapidly in recent years. Prospects for changing this trend do not appear bright.

The cumulative result of 26 years of investment in Amtrak has been, essentially, stability. Amtrak's market share has fallen, ridership is stable at a time when air travel and auto travel are both increasing much faster than population growth, and capital funding is insufficient even to keep pace with accumulated depreciation. A continuation of the current state of affairs would appear to guarantee eventual liquidation of Amtrak, not financial self-sufficiency.

IV. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusion

Amtrak ridership has shown no clear trend for nearly 20 years after increasing from 1971 through 1979. It is not clear that future increases may be excepted.

Amtrak's rail/air market share has declined from about 8% to only 5.5% over the same period.

Adjusted for inflation, revenues from passenger service has been flat for many years. Only non-passenger sources of income have shown increases.

The decline in subsidy is in large part the result of accounting changes and of Amtrak's decision to post deficits rather than surpluses.

The ''glide path'' to financial self-sufficiency does not appear realistic or feasible.

Amtrak continues to need large infusions of capital, but no more than stability has been achieved for the estimated $21 billion in government money spent during the 1971–1997 period.

The future of Amtrak clearly lies in short-distance corridors, where the losses are much smaller than for intercity trains. However, with the exception of the NEC, these corridors are owned by freight railroads, which at present have no financial incentive to cooperate with proposed increases in service.

Of the many initiatives to improve Amtrak over the past 26 years, only the Northeast Corridor Improvement Project appears to have had any lasting effect. As Amtrak notes, market penetration in the NEC is the best in America for Amtrak. Amtrak also notes that annual spending on track maintenance is far below levels at New Jersey Transit and other neighboring properties. This is largely a result of the heavy investments made between 1977 and 1985. However, track components installed during those years will eventually require renewal, and additional capital funding.

B. Recommendations

It is almost certainly counterproductive to attempt to continue Amtrak as a national passenger system. A public policy argument may be made for the importance of the NEC. It is very difficult to credibly argue for the essentially of a tri-weekly train serving Arizona and New Mexico.

The Northeast Corridor provides some potential for privatization, a lease/purchase arrangement, or some other means for generating additional investment capital.

Other local services may be supported by individual states, with the Federal role confined, perhaps, to dictating standards that would ensure compatible equipment types.

FOOTNOTES

[1] ''Issues Associated With a Possible Liquidation of Amtrak.'' United States General Accounting Office, March 1998.

[2] ''FY 1999 Amtrak Legislative Report and Federal Grant Requests'', Amtrak, February 1998.

[3] Statistics are from the *Yearbook of Railroad Facts, 1981 Edition* (Association of American Railroads), Amtrak's 1988 annual report, and Amtrak's *Legislative Report*, 1997.

[4] The GAO report, *Financial Performance of Amtrak's Routes*, shows a calculated loss of $118 per passenger for the Auto Train, one of the highest among all routes.

THE UNIVERSITY OF CALGARY,
Calgary, Canada, May 30, 1998.

Hon. FRANK WOLF,
Chairman, Subcommittee on Transportation and Related Agencies, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WOLF: I am writing in reply to your letter of April 28, requesting my perspective on Amtrak's long term viability. I appreciate the opportunity to voice my thoughts on this matter and commend your initiative in reaching out ''beyond the Beltway'' for input into your committee's deliberations. In order to place my thoughts on Amtrak's future in some context, I would like to say a few words about my own exposure to, and experience, with America's national passenger railroad.

I have had the opportunity to observe Amtrak closely through twenty-two years of using its services, of advocating for their improvement as a board member of the National Association of Railroad Passengers from 1981 to 1991, and of focusing my attention as a policy researcher on its development. The enclosed resume lists my publications in transportation policy, a number of which relate directly on Amtrak. These have appeared in journals ranging from Scientific American to The Journal of Policy Analysis and Management. I would be happy to furnish copies of any of these publications, if you would like to add them to the Subcommittee's reference collection.

The material that you forwarded from your hearing on Amtrak, along with other documents from the FRA, GAO, and Amtrak itself suggests that some aspects of Amtrak's operations and performance have changed considerably over the last few years and others have not. I would like to focus on the relationship between what has changed about Amtrak and what has not changed as my own contribution to your committee's deliberations. I believe that this, arguably idiosyncratic, measure offers important clues to Amtrak's long term viability.

I will not go into great detail on the changes in Amtrak's operations and performance that have occurred over the last five years since they are well documented in your committee's record and will likely be analyzed with greater expertise and firsthand experience by others writing to you. From my perspective, changing both the internal workings of the corporation (through decentralization into Strategic Business Units) and the external terms by which it is regulated (Amtrak Reform & Accountability Act) and subsidized (Taxpayer Relief Act) have been important steps forward toward a future in which passenger trains play a more productive role in America's intercity transportation, they do not in themselves guarantee Amtrak's viability.

The Amtrak Reform & Accountability Act creates substantial opportunities for enhancing productivity and real, but more limited, chances for raising revenues. The magnitude of these changes depends on implementing many initiatives that are only just beginning. My guess is that the full impact of these changes will become apparent in three to five years. Furthermore, that impact will depend on the interaction of re-engineered operations with renewed investment in Amtrak's physical plant. Such reinvestment occurring through the Taxpayer Relief Act will certainly pay dividends through this period, estimated by Amtrak at $180 million in additional revenue. This result is impressive, but is not sufficient to fund the cost of operating a national system of intercity passenger trains, even a more efficient and effective one. In my view, what has changed at Amtrak, and around its legislation and finances, takes the company toward viability, but not all the way there.

This is why I would suggest that what has not changed about the way passenger trains fit into America's transportation system remains a crucial component of Amtrak's long term viability. Despite the sometimes heroic efforts of individuals (both Amtrak executives and legislators) to remedy to corporation's dysfunctional place in America's transport sector, the fact remains that the intercity passenger train remains an institutional orphan among U.S. transportation modes. Indeed, the recent changes launched by legislative reform are themselves the product of compromises that fell short of bringing Amtrak ''inside the tent'' of the planning and finance process that now applies to all other transport modes. Instead of dedicating federal transportation revenues to intercity passengers rail in the same way that they are spent on aviation, highways, and transit, the Taxpayer Relief Act created a funding alternative by fiscal sleight of hand. Without detracting from the importance of these funds and the achievement of legislators who enacted this compromise, such fiscal gimmickry will not make Amtrak viable over the long run.

Making it possible for states to spend federal transportation dollars on intercity rail projects under the same administrative, economic, and political terms as they do for airports, highways, or urban transit holds the key to Amtrak's long run viability. Although such a reform lies well beyond the jurisdiction of your subcommittee, I remain optimistic that the current round of initiatives will make it easier to build the consensus that passenger trains belongs on the same policymaking agenda as America's other transportations modes. This will occur as Amtrak's enhanced services demonstrate the economic and social contribution that passenger trains could make across America, a contribution that can be maximized by managing passenger trains with the same framework as other transport modes. In this way, today's reform process is a necessary step on the way to long run viability for Amtrak, and I would encourage you and your colleagues to facilitate the process by appropriating the funds that have been requested by the Administration and Amtrak. Along with the TRA capital funding, they represent an essential down payment on the future American transportation system—a future in which the prohibition on spending certain kinds of public revenue for intercity passenger trains will eventually come to appear as arbitrary and inappropriate as the 18th Amendment's prohibition on the manufacture, sale and transportation of liquor.

The administrative and fiscal integration of passenger trains into America's intercity transportation system will require significant additional reforms to the way Amtrak does business. My colleague James Dunn and I sketched out some possible scenarios of how such a transformation would play out in our contribution to Transportation Research Circular number 484, ''National Conference on Critical Issues for the Future of Intercity Passenger Rail.'' Our article is entitled ''Institutional Challenges: Making Rail Revitalization Happen.'' You may find this analysis of interest.

I wish your subcommittee well in its deliberations.

Sincerely,

ANTHONY PERL,
Director, Research Unit for Public Policy Studies.

UNIVERSITY OF ILLINOIS AT CHICAGO,
Chicago, IL, July 13, 1998.

To: The Honorable Frank R. Wolf, Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, House of Representatives, Rayburn Building, Washington, DC.

From: Anthony M. Pagano, Ph.D., Associate Professor of Management.

Re Amtrak's Long Term Future Financial Viability

I have carefully reviewed the testimony given before your Subcommittee this past spring concerning Amtrak's appropriations request and the analysis of Amtrak's financial condition by the GAO. I agree completely with the GAO analysis. I do not believe that Amtrak is on a path to achieve financial independence. On the contrary, the more liberal definitions of capital costs have allowed Amtrak to use capital funds for previously classified operating purposes. The long term impact of these decisions on Amtrak's future capital needs have yet to be determined.

The financial problems experienced by Amtrak are symptomatic of a larger problem when government attempts to act as a producer of goods and services. Government is an inappropriate mechanism to provide long distance rail passenger services. As long as government continues to subsidize and operate Amtrak, there will always be deficits. This is why former socialist and communist countries are in the process of transferring their State Owned Enterprises (SOE's) to the free market. It is time that the federal government does the same with Amtrak.

PRIVATIZATION SUCCESSES IN TRANSIT

Privatization of mass transit operations have taken place in many cities across the United States and around the world. These successes are indicative of the possible positive impacts that privatization of Amtrak can have. For example:[1]

Los Angeles Contracted out bus service to private operators resulting in a 60% reduction of the costs of providing service. Quality of service also has risen with the use of private contractors.

In Colorado, state legislation required Denver to contract out 20 percent of its transit service to private operators. This has resulted in a long term savings of 31.0 percent.

San Diego Contracted out 38 percent of its service with an average cost savings of 30 percent.

The city of Las Vegas contracts out its entire system. Costs per vehicle hour dropped by 33.3 percent.

Foothills Transit outside Los Angeles Contracts out its entire system to private operators. Its ridership has risen by over 50 percent, it has added 57 percent more service, its operating costs have fallen by 31 percent and its fares are 37 percent lower.

London, which operates the world's largest bus system, has privatized over half of its system. Services have expanded by 29 percent and operating costs have fallen by 30 percent.

Stockholm runs a 2,000 bus system with 900 rail cars. It contracts out two thirds of its bus service and all rail service. Operating costs have fallen 17 percent while service has been increased by 13 percent.

Metra, the commuter rail division of the RTA in the Chicago metropolitan area, contracts out most of its service to the freight railroads. Metra is the only public transit service board in the Chicago area to consistently experience ridership increases. By contrast, CTA ridership has declined by 40% over the last 10 years.

NEW APPROACH TO PUBLIC SECTOR MANAGEMENT

Amtrak today represents the old style public sector management that relies on service cuts and increased public sector subsidy. A new approach to public sector management is sweeping the world. The new approach to public sector management recognizes the inherent inefficiencies in public sector monopoly provision of services. It also recognizes that the public sector must rely to a greater extent on the competitive forces of the free market to provide services. Only through a competitive marketplace will the incentives to be efficient, to provide high levels of customer service, to give taxpayers a fair return be effective. This new management approach relies heavily on the private sector to provide services. Privatization can be achieved through competitive contracting of rail services, private sector management of entire systems, or outright sale of services to the private sector.

The new public sector management is not just confined to transit. China, Russia, many of the former Eastern Bloc countries and many South American countries are reforming and privatizing their SOE's. From transit to railroads to steel to agriculture, the new public sector management is sweeping the world.

APPROACHES TO PRIVATIZATION

There are several approaches to privatization that can yield benefits in terms of reduced government subsidy, improved efficiency of operations and increased ridership.

Asset Sales—Asset sales involve selling the assets to the private sector, which then would be charged with providing the service. Asset sales generally involve three types. One is Citizen Share-Purchase in which citizens can purchase shares of stock in the privatized enterprise through an initial public offering. This is what was done with CONRAIL with great success. A second approach is Voucher Privatization where there is universal distribution of stock to all citizens. An option is to provide additional stock to existing employees. Voucher privatization has been used in South America, Canada, the Czech Republic and other places. A third option is to sell the assets to another enterprise.

An asset sale could be very successful with the Northeast Corridor SBU. This service is currently running a slight profit according the GAO, so that an asset sale could be very successful. It would signal that government is getting out of the railroad business entirely in this part of the country.

Competitive Contracting. With competitive contracting, the ownership of the enterprise is retained by the government. The actual production is done by the private sector under contract with the government enterprise. Competitive contracting harnesses the power of the marketplace to more efficiently deliver services. A variation on competitive contracting is to contract out the entire operation to one firm which would then manage the enterprise for the government.

Competitive contracting could be utilized in the rest of the AMTRAK system, where break-even operations seem most elusive. Government would subsidize services and oversee route planning, fares and other strategic matters. New style public sector management approaches could be utilized to provide incentives for private sector contractors to increase service quality and ridership. Eventually, as ridership and operating ratios improve, much of this service could be spun off to the private sector in an asset sale as well.

Whichever approach is utilized, it imperative that the federal government begin to move away from the never ending subsidies of AMTRAK and embrace a fundamental change in the way rail passenger service is provided in the United States. Without such structural changes, AMTRAK deficits will be a continuing feature of the federal budget well into the next millennium and beyond.

U.S. DEPARTMENT OF TRANSPORTATION,
Washington, DC, May 28, 1998.

Hon. FRANK R. WOLF,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for providing the Office of the Inspector General with the opportunity to provide input on Amtrak's financial future.

[1] For further information, see Pagano, Anthony M, An Analysis of Proposed CTA Service Cuts: New Public Sector Management Alternatives, Metropolitan Transportation Association, Oak Brook, IL, May 1997, and Cox, Wendell, and Love, Jean, Rescuing Transit in Chicago, Redirecting CTA to Serve Customers First, Metropolitan Transportation Association, Oak Brook, IL, March, 1998.

The issues you asked us to address concerning Amtrak's long-term viability are similar to those raised in November 1997, when Congress passed the Amtrak Reform and Accountability Act. In the Act, Congress asked the Secretary of Transportation to contract for an independent assessment of Amtrak's financial needs through Fiscal Year 2002. I am pleased to inform the Committee that following a competitive bid process and upon appropriation of funds in the Emergency Supplemental Appropriations Act, this contract was awarded on May 5, 1998. The Office of Inspector General is tasked with overseeing this contract, and we believe that when this assessment is completed in November 1998, we will be in a better position to comment on Amtrak's long-term viability. In the interim, we expect to have significant, preliminary results in August that we will share with you and your staff.

We believe the results of this assessment will provide the most accurate indication of Amtrak's future viability and financial requirements. However, in addressing the question of Amtrak's future viability, it may be advisable for Congress to consider providing more specific guidance on what the term ''viability'' actually means. When Congress mandated that Amtrak eliminate its need for operating assistance, the structure of Amtrak's Federal funding assistance was very different than what is currently being proposed. Prior to the FY 1999 budget request, Amtrak received a separate capital and operating subsidy. This year, however, Amtrak is requesting only capital assistance, with the flexibility provided through the ''transit definition'' of capital, to use these funds for costs traditionally considered operating costs. While technically, Amtrak will not receive an operating subsidy, this more flexible definition of capital will in effect, allow Amtrak to extract operating assistance from its capital appropriation. It is important to note that Amtrak has never anticipated eliminating its need for a Federal capital subsidy. As such, in light of the proposed change in the definition of capital, Congress may want to consider providing more specific guidance on how viability—or operating self-sufficiency—will be measured.

If I can answer any questions or be of further assistance, please contact me on 366–1959, or Raymond J. DeCarli, Deputy Inspector General, on 366–6767.

Sincerely,

RAYMOND J. DECARLI,
(For Kenneth M. Mead, Inspector General).

Mr. Chairman, I wish to recognize and thank those assciate staff members who supported the Members of this House in the preparation and passage of the fiscal year 1999 Transportation and Related Agencies Appropriations Bill, H.R. 4328: David Whitestone of my office, Monica Vegas Kladakis of Majority Whip DELAY's office, Connie Veillette of Mr. REGULA's office, Mike Robinson of Mr. ROGERS' office, Eric Mondero of Mr. PACKARD's office, Todd Rich of Mr. CALLAHAN's office, Joe Cramer of Mr. TIAHRT's office, Mark Zelden of Mr. ADERHOLT's office, Paul Cambon of Chairman LIVINGSTON's office, Marjorie Duske of Mr. SABO's office, Albert Jacquez and Nancy Alcalde of Mr. TORRES' office, David Oliveira of Mr. OLVER's office, Blake Gable of Mr. PASTOR's office, Dana Gresham of Mr. CRAMER's office, and Paul Carver of Mr. OBEY's office.

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

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

Mr. Chairman, I congratulate the gentleman from Virginia (Chairman WOLF) on a good bill. It is a bill that deserves to be passed this evening. There are two or three rough spots that have to be worked out, in particular the Coast Guard clearly needs some additional money, but this is a good bill.

Let me in specific thank the staff that has worked very hard on this bill. From the minority staff Cheryl Smith and Marjorie Duske, the majority staff, John Blazey, Rich Efford, Stephanie Gupta, Linda Muir and David Whitestone. The committee, with their aid, has produced a very good bill.

Mr. Chairman, the evening is late. I am ready to vote, but I think we may have a couple of amendments and a couple of colloquies.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

(Mr. OBERSTAR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

(Mr. GEJDENSON asked and was given permission to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Chairman, I would ask the gentleman from Virginia (Mr. WOLF) just to one moment go back to the statement on the Coast Guard. I hope that he will do everything he said here today to try to add funding.

Clearly, the R&D function is woefully underfunded. And I would also hope that we would give the Coast Guard some latitude within its budget to move funds around as well in this kind of very tight situation.

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

Mr. GEJDENSON. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman's comments. If there is any additional allocation for Defense, which many people believe there will be, we will make every effort to see that the Coast Guard participates in that and meet the gentleman's concerns.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, I thank the gentleman for that.

Mr. Chairman, I have an amendment at the desk.

In any given year, the Coast Guard saves thousands of lives, assists tens of thousands of people, and prevents millions of dollars of property damage.

Their fleet of 250 cutters, 225 aircraft and over 2,000 small rescue and utility craft are, as their motto proclaims, ''always ready, always there.''

But instead of preparing the Coast Guard for the twenty-first century, this bill cuts crucial funding for research and development by $7 million below FY 98 and $6.3 million below the request.

Research and development is not an esoteric exercise. This work contributes directly to the work that Coast Guard personnel perform in the field every day.

This budget will stop research on:

IMPROVED SEARCH AND RESCUE

Through the R&D program, the Coast Guard has developed a system using Global Positioning System (GPS) to dramatically improve response time during search and rescue missions.

When a boat capsizes in the frigid Atlantic or in Alaska or in the rough currents off Hawaii and California, more rapid response means the difference between life and death.

FIRE PREVENTION AND SAFETY

The R&D program conducts full-scale fire tests aboard actual ships, making this a unique laboratory for exploring how fire reacts on ships. This research translates directly into improved safety.

The recent fire aboard the *Ecstasy* cruise ship—which had over 2,000 people onboard—demonstrates the importance of developing quick responses to these catastrophes.

The Coast Guard is also conducting research to improve fire safety on the Coast Guard cutters. This directly contributes to the safety of the men and women in uniform on those ships.

OTHER PROGRAMS

Improvements in aid to navigation, vessel management systems, even drug interdiction are all the result of the R&D program. Make no mistake about it—this cut will compromise the safety of the American people and the men and women in the Coast Guard.

The Coast Guard is the guardian of our coastline. They risk their lives everyday to protect us. We should be helping, not hindering their mission.

Research and development leads to advancements that improve the Coast Guard's everyday activities. A cut of this magnitude will seriously impair the Coast Guard's ability to perform its duties.

Let's help the Coast Guard do what they do best—protecting our waters and saving lives.

Mr. SABO. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Northern Virginia (Mr. WOLF), the chairman of the subcommittee and my friend.

Mr. Chairman, I am one of the representatives of the only region in the country with two airports, governed by the High Density Rule, LaGuardia and John F. Kennedy. Since last October, the Secretary of Transportation has granted 30 slot exemptions to the High Density Rule at LaGuardia with little, if any, examination of the impacts on aviation safety, flight delays, and aircraft noise that are occurring from this increased traffic.

Numerous communities in the New York metropolitan area are very concerned about the situation, and I would like to ask for the gentleman's assistance in working with me and other Members from New York in having the FAA examine these potential adverse impacts.

Mr. Chairman, we need to have a study done of the average flight delays at the airport, whether the additional flights are making it more difficult for air traffic controllers in manage the region's air traffic, and if there is an appreciable increase in aircraft noise. This is a very serious issue, both for the traveling public and the residents on the ground.

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

Mrs. LOWEY. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I agree with the gentlewoman from New York (Mrs. LOWEY) and I understand the very, very legitimate concerns of the residents of New York about the increased air traffic and I will do everything I can to work with the gentlewoman and the FAA administrator to guarantee that this report is underway as soon as possible.

□ 2310

If the gentlewoman needs to, we can have a joint meeting with the FAA administrator.

Mrs. LOWEY. I thank the gentleman, and I look forward to working with him.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I rise for the purpose of a colloquy with the chairman.

Southwest Florida is one of the fastest growing areas in the Nation. Consequently, the airport serving this area, Southwest Florida International Airport, has been operating above capacity for some time. Anybody who has been there knows that. In fact, Southwest Florida International Airport has experienced an average annual growth of 9.2 percent during the past 10 years.

Because of this growth, the airport has begun an expansion project called Project Millennium which would include construction of a new terminal and runway. Project Millennium is the State of Florida's number one funded airport project, and it has also received discretionary funds from the FAA.

Southwest Florida International Airport has requested a letter of intent from the FAA to ensure long-term commitment to Project Millennium. In light of our commitment to fiscal responsibility, I am pleased to report that the airport has reduced the Federal share of the project to 24 percent of the total cost.

I would ask the gentleman from Virginia (Mr. WOLF) to consider including language in the transportation appropriations conference report expressing congressional support for Southwest Florida International Airport's request for a letter of intent. I understand that Senator MACK and Senator SHELBY of the other body have reached a similar agreement regarding the inclusion of this provision in the conference report.

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

Mr. GOSS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Florida for making me aware of the very intense growth of the Southwest Florida area and the planned expansion of the Southwest Florida International Airport. Because of its location, it is a wonderful place to visit, I understand, particularly in the winter, not always in the summer.

The Southwest Florida International Airport is essential in maintaining Florida's balanced airport system. This project is worthy of a long-term commitment, a very long-term commitment by the FAA. I will do all I can to ensure the conference report on the transportation appropriation contains language to encourage the FAA to grant Southwest Florida International Airport's request for a letter of intent.

Mr. GOSS. Mr. Chairman, I thank my colleague from Virginia for his commitment and support of Southwest Florida International Airport and invite him to participate in its use at any time during the year. It is a marvelous place.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I rise to engage with the chairman of the Subcommittee on Transportation in a colloquy.

Mr. Chairman, in an effort to construct an additional crossing of the Ocmulgee River through the City of Macon, Georgia, Federal, State and local officials have been working together for over 20 years to extend the Eisenhower Parkway, but to no avail. This additional crossing will improve access to and for hospitals, firefighting, and other public safety organizations, as well as improve the circulation of traffic into and through Macon, aiding the economic revitalization of the community and the creation of even more jobs. In addition to the economic impact and easing Macon's traffic problems, this project could be used to link middle Georgia with a multilane Statewide corridor connecting Macon with the cities of Augusta and Columbus.

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

Mr. CHAMBLISS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the committee appreciates the importance of the Eisenhower Parkway extension to the gentleman's district in the State of Georgia and recognizes the commitment Congress has made in the past with funding for the project.

Mr. CHAMBLISS. Mr. Chairman, currently the project in Macon is virtually at a standstill as a result of bureaucratic delays, incurring additional costs to the taxpayer because of governmental agencies' inability to complete the approval process.

Mr. Chairman, will the committee agree that unnecessary delays can result in additional costs that could be avoided if project approvals were completed in a timely manner.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, the gentleman is correct. The committee's desire is for the projects to move forward consistent with all applicable rules and regulations in a timely and efficient manner, thereby avoiding additional costs associated with unsubstantiated delays.

Mr. CHAMBLISS. Mr. Chairman, I believe that this project in Macon and Bibb County, Georgia could serve as a model of interagency cooperation. As the gentleman is aware, Congress recently enacted legislation directing the Department of Transportation to develop and implement a coordinated environmental review process whereby all reviews will be done concurrently rather than sequentially; thus, moving the process along in an expedient manner under the national Environmental Review Act.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, upon forwarding all essential documents to the appropriate Federal agencies by the State and local offices, the committee expects the Federal Highway Administration and other Federal resource agencies to streamline and expedite the review for all projects, including this particular one, consistent with NEPA.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman for the clarification of this matter, and I thank the gentleman for the leadership he provides to this committee.

Mr. SABO. Mr. Chairman, I yield 30 seconds to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Chairman, I thank the honorable Member for yielding me the time.

I rise in strong support of H.R. 4328. I want to thank the gentleman from Virginia (Mr. WOLF), the chairman, and the gentleman from Minnesota (Mr. SABO), the ranking member, and every other member of this Subcommittee on Transportation for this excellent bill.

On September 12 of this year in my district, a crowd of 25,000 people is expected to attend the grand opening celebration of the Westside Light Rail project. I am pleased that this bill before the House includes the $25.7 million for this project, an amount equal to the full funding grant agreement.

Westside Light Rail will be the crown jewel of Oregon's transportation system, and I thank the chairman and the ranking member for their help in this project.

Mr. Chairman, I rise today in strong support of H.R. 4328, FY 99 Transportation Appropriations. I want to thank Mr. WOLF, Mr. SABO, and every member of the Transportation Subcommittee for producing an excellent bill. I know the passage of the TEA–21 bill made the Subcommittee's work more difficult than usual, and I wanted to publicly acknowledge their efforts.

On September 12th of this year, in my district, a crowd of over 25,000 people is expected to attend the Grand Opening Celebration of the Westside Light Rail project. When I was elected to represent Oregon's First District in 1992, one of my top priorities was to ensure that the Westside Project was completed on time. I am pleased that the bill before the House today includes $25.7 million for this project, an amount equal to the full funding grant agreement.

As many people know, the Westside Light Rail project is a national model of the benefits of effective land-use planning. It is also the first transit system in North America to use low-floor cars which are fully ADA accessible, and I had the fortune of driving one of these new vehicles earlier this summer. Because I am retiring at the end of this Congress, it is reassuring to know that H.R. 4328 will allow the Westside Light Rail project to open on time in September.

I also want to thank the Chairman for two additional items in H.R. 4328. First, the bill fully funds a bus authorization that will help our local transit agency upgrade new bus lines that serve Portland's suburbs, helping them operate efficiently with the new Westside Light Rail line. In addition, at my request, the Subcommittee including language on the South-North Project which is the next building block in our region's long-term transportation plan.

I want to thank Mr. WOLF, Mr. SABO, and the entire Subcommittee for their unwavering and generous support for this project over the past six years. The citizens of my entire district owe this Subcommittee a tremendous debt of gratitude. It has been an honor to work with the Subcommittee on these issues, and I urge my colleagues to support H.R. 4328.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Chairman, I rise to engage the chairman in a colloquy.

As a member of the committee that authorizes U.S. Coast Guard operations, I am deeply concerned by the advanced age of the Coast Guard's vessels, aircraft and technology. This problem is beginning to hamper the Coast Guard's ability to conduct vital antidrug operations.

As the gentleman well knows, Mr. Chairman, the Coast Guard is America's first line of defense on the high seas against drug lords and cartels that are bent on putting their deadly products in the hands of our Nation's children. It is the responsibility of Congress to ensure that the Coast Guard is equipped with the most advanced equipment to perform their counter-drug mission effectively.

The Coast Guard has a modernization program called the Deepwater Capabilities Replacement project, which would overhaul all the Coast Guard's assets. Deepwater represents the 21st century Coast Guard.

The Clinton administration sought to delay Deepwater through the establishment of a Presidential Advisory Council on Coast Guard roles and missions. I would like to thank the chairman for seeing through this delaying tactic and preventing this unnecessary and expensive commission from going forward.

Instead, this bill provides for a smaller panel of former Coast Guard commandants and other officials not to exceed $1 million.

My question, Mr. Chairman, relates to this provision. Can I get an assurance from the gentleman that the establishment and activities of the blue ribbon panel will not in any way prevent the Coast Guard's Deepwater modernization program from going forward?

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

Mr. LOBIONDO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the administration's roles and missions Presidential Advisory Council would have come at a great cost to the Coast Guard's operating budget. Despite the announcement of this commission several months ago, the administration has not appointed this council.

The gentleman is correct. In disapproving the administration's plan and setting up in its place the blue ribbon panel contained in the bill, it is our intention that the Coast Guard's modernization effort, Deepwater, should not be held up pending the result of this panel.

There is nothing in the bill or report which would indicate these two efforts should be linked. We expect Deepwater to proceed independently of the blue ribbon panel. By having the former commandants look at this, there will be some historical factors, because much of what the Coast Guard has is so old that the more attention we can bring to it, I think the better it is for the Coast Guard, for search and rescue, drug interdiction and everything else.

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

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Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I would like to engage the gentleman from Virginia, the distinguished chairman of the subcommittee, in a colloquy.

Mr. Chairman, Operation Respond is a nonprofit public-private partnership between railroads, motor carriers and America's emergency responders. Operation Respond allows emergency responders to determine whether or not there is hazardous material at an accident site and to get the information that they need to safely handle hazardous materials incidents. The true benefit of the Operation Respond partnership is that it saves minutes and often hours in obtaining critical action information and it brings an extra dimension to surface transportation safety. The Operation Respond Institute was created in 1992 as a cooperative effort between the Federal Railroad Administration and the Port Terminal Railroad of Houston, Texas. It is jointly funded by the U.S. Department of Transportation, rail and motor carriers, and the National Institute of Occupational Safety and Health.

This is a critical time, Mr. Chairman, for the Operation Respond program. All of the major railroads now participate, and efforts are under way to expand the program in the motor carrier industry. If adequately funded, Operation Respond will expand its protection of emergency personnel and the public throughout the Nation.

Last year, the Transportation appropriations bill for fiscal year 1998 under your leadership provided $1 million under the Federal highway program and $103,000 under the Federal Railroad Administration for Operation Respond. Are there any funds, Mr. Chairman, for this important program in the Transportation appropriations bill?

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

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, $103,000 has been appropriated for Operation Respond under the Federal Railroad Administration. No other funds have been appropriated.

Mrs. MORELLA. Mr. Chairman, by matching the funding for Operation Respond to last year's levels, we can help this very important program achieve a realistic goal of expanding installations to an estimated 2,000 Emergency Respond dispatch centers across the country.

Mr. Chairman, emergency responders, fire, police and medical personnel, need help as never before in gauging the correct response to transportation incidents. As we know too well from the recent tragic incident in the Capitol, it is really those very first few critical minutes that the first responders must take actions to accurately assess the situation, safeguard lives and property and prepare the scene for arriving fire and medical responders. Operation Respond is a program that works, Mr. Chairman.

Mr. WOLF. You are so convincing, I just agree with you that this is a worthwhile program, and I will consider ways in which to continue to fund Operation Respond.

Mrs. MORELLA. Mr. Chairman, I feel very passionately about the importance of the program as the gentleman can tell.

Mr. WOLF. I can tell.

Mrs. MORELLA. I urge my colleagues to support the Transportation appropriations bill, and I look forward to working with the gentleman maybe even in conference to do more with it.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I want to thank the committee and the chairman for their efforts to increase the amount of money put into the Coast Guard budget. I especially want to thank the committee in their endeavors to try to find moneys to put into and increase the interdiction budget for the Coast Guard. The administration has lacked boldness and intensity in its effort to engage the problem of drug interdiction into this country. Mr. Chairman, I do think we need to continue to look for further resources. You have mentioned some examples a little bit earlier. I would also like to continue to pursue further funds in the conference committee. The interdiction that the Coast Guard provides for this country, I think, is very misunderstood by most Americans and many Members of Congress. We have a finite border in the United States. It is not infinite. With the collaborative efforts of the Coast Guard, Customs, DEA, military services and other agencies, it is possible, we have seen plans time and time again, we have seen examples of when these plans are put into effect that we could cut, we could interdict 80 percent of the drugs coming in by sea by the year 2007. It is possible. But we need to generate the resources in a collaborative fashion to make these predictions come true and they can come true.

I as well as all of us here believe in many types of drug treatment, public and private. We believe in educational programs. I even believe in the graphic TV commercials that are put on television. We must do everything we can to reduce drug use and drugs coming into this country. It is possible if we work together to make this happen. I applaud the committee and their efforts to do so.

I have one other comment in this bill, Mr. Chairman. There is some money taken from the fisheries program which helped bump up the money in the interdiction end of the Coast Guard process. I have a problem with that. We need more money in the interdiction program, that is true, but we have 2.25 million square miles of coastal waters that the Coast Guard needs to enforce our fisheries regulations. What do they do? They have search and rescue for fishermen, they provide enforcement so that many countries, mostly foreign, cannot use these high sea drift nets which are 25 miles long and longer. We protect the billions of dollars in the industry that this country depends upon. Fisheries is an important part of this program. It is an important part of this country. The Coast Guard not only enforces the safety aspect of this and saves people's lives at sea but they stop dead in their tracks foreign fishing vessels from encroaching on our waters.

Mr. Chairman, once again I want to thank the gentleman from Virginia for his effort in this. The Coast Guard is one of those unseen entities that we need to continue to encourage, and I look forward to working with him.

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

Mr. GILCHREST. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I completely agree. We want to crack down on poaching of Forrest Gump in the gulf and people are doing that.

Mr. GILCHREST. Absolutely.

Mr. WOLF. If we do have any other allocations which I hope we will at the end for defense, we plan on asking for some of that so we can beef up the Coast Guard in many of these areas, including additional funding in the area of drug interdiction.

Mr. GILCHREST. I thank the gentleman.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I would like to engage the distinguished gentleman from Virginia in a colloquy.

Is it the chairman's understanding that under current law, the Secretary of Transportation may not close a Coast Guard boat station or subunit unless the Secretary determines the remaining search and rescue capabilities can continue to maintain the safety of the public in that area?

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

Mr. CAMP. I yield to the gentleman from Virginia.

Mr. WOLF. The answer to that question is yes.

Mr. CAMP. Mr. Chairman, is it the chairman's understanding that a Coast Guard station or subunit cannot be closed unless the Secretary determines the Coast Guard search and rescue standards related to search and rescue times are met?

Mr. WOLF. The gentleman is correct.

Mr. CAMP. Mr. Chairman, is it the chairman's understanding that under current law if the Coast Guard plans on closing a station, the Coast Guard must provide an opportunity for public comment and for public meetings in the area of the station with regard to the decision to close the station or subunit?

Mr. WOLF. The answer is yes.

Mr. CAMP. Is it the chairman's understanding that the Coast Guard has no immediate plans to close any boat stations?

Mr. WOLF. Somehow I want to say no, but the answer is yes.

Mr. CAMP. I thank the gentleman from Virginia for working so diligently on behalf of our Nation's infrastructure needs and clarifying these questions.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendments printed in House Report 105–651 are adopted and the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,623,800.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $585,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $8,895,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,667,200.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,002,200: *Provided,* That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,069,300, including not to exceed $40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $1,672,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $19,147,100.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,377,600.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,046,900.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $675,500.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $839,200.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $961,100.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $4,400,000.

OFFICE OF INTERMODALISM

For necessary expenses of the Office of Intermodalism, $1,018,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $6,966,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and development activities, to remain available until expended, $3,035,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $109,124,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further,* That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,900,000, of which $2,635,000 shall remain available until September 30, 2000: *Provided,* That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

AMTRAK REFORM COUNCIL

For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $450,000, to remain available until September 30, 2000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,700,000,000, of which not to exceed $4,000,000 shall be for the establishment and operating costs of a Caribbean international support tender, to train and support foreign coast guards in the Caribbean region; of which $300,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That the number of aircraft on hand at any one time shall not exceed 212, exclusive of aircraft and parts stored to meet future attrition: *Provided further,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further,* That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further,* That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 1999: *Provided further,* That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of enactment of this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $389,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $227,913,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2003; $39,400,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2001; $30,314,000 shall be available for other equipment, to remain available until September 30, 2001; $42,923,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2001; and $48,450,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2000: *Provided,* That funds received from the sale of HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: *Provided further,* That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation, of which not more than $3,000,000 shall be credited as offsetting collections to this account, to be available for the purposes of this account: *Provided further,* That the amount herein appropriated from the General Fund shall be reduced by such amount: *Provided further,* That any proceeds from the sale or lease of Coast Guard surplus real property in excess of $3,000,000 shall be retained and remain available until expended, but shall not be available for obligation until October 1, 1999.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $12,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $684,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $69,000,000: *Provided,* That no more than $20,000,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further,* That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $12,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided,* That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $5,532,558,000, of which $2,060,000,000 shall be derived from the Airport and Airway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of enactment of this Act: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further,* That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further,* That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further,* That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous

United States: *Provided further,* That no more than $28,600,000 of funds appropriated to the Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center (TASC): *Provided further,* That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than three years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further,* That none of the funds appropriated or otherwise made available in this Act may be used to pay the salaries or expenses of personnel who carry out an essential air service program under section 41742 of title 49, United States Code, from amounts not credited to the account established under section 45303 of such title: *Provided further,* That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of the FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,000,000,000, of which $1,749,350,000 shall remain available until September 30, 2001, and of which $250,650,000 shall remain available until September 30, 1999: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further,* That none of the funds in this Act may be obligated for bulk explosive detection systems until 30 days after the FAA administrator certifies to the House and Senate Committees on Appropriations, in writing, that the major air carriers responsible for providing aircraft security at Category X airports have agreed to: (a) begin assuming the operation and maintenance costs of such machines beginning in fiscal year 1999; and (b) substantially increase the usage of such machines above the level experienced as of April 1, 1998: *Provided further,* That of the funds provided under this heading, up to $4,680,000 is to reimburse the sponsor of Louisville Standiford Field in Kentucky for costs related to acquisition and installation of an instrument landing system.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $145,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2001: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, $1,600,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $1,800,000,000 in fiscal year 1999 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103 as amended, $5,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 1999.

ADMINISTRATIVE SERVICES FRANCHISE FUND

None of the funds in this Act may be used for the FAA to conduct, monitor, or otherwise continue operations of the Administrative Services Franchise Fund in fiscal year 1999.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $318,733,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That $52,530,000 shall be transferred to the National Highway Traffic Safety Administration to carry out the functions and operations of the office of motor carriers: *Provided further,* That none of the funds in this Act may be used to carry out the functions and operations of the office of motor carriers within the Federal Highway Administration.

LIMITATION ON TRANSPORTATION RESEARCH

Necessary expenses for transportation research of the Federal Highway Administration, not to exceed $409,150,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration: *Provided,* That this limitation shall not apply to any authority previously made available for obligation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $25,511,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1999.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $24,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under part C of subtitle VI of title 49, U.S.C. and chapter 301 of title 49, U.S.C. $87,400,000, of which $58,558,000 shall remain available until September 30, 2001: *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payments of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1999, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, U.S.C., $2,000,000 to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $200,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year

1999, are in excess of $200,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $150,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $10,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $35,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $5,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $9,943,000 of the funds made available for Highway Safety Programs under 23 U.S.C. 402 shall be available to NHTSA for administering ''Highway Safety Programs'': *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $100,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $100,000,000 for ''Motor Carrier Safety Grants''.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $21,367,000, of which $1,784,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, $60,948,000, of which $3,825,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading are available for the reimbursement of out-of-state travel and per diem costs incurred by employees of State governments directly supporting the Federal railroad safety program, including regulatory development and compliance-related activities.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $20,477,000, to remain available until expended: *Provided*, That the Secretary is authorized to sell aluminum reaction rail, power rail base, and other related materials located at the Transportation Technology Center, near Pueblo, Colorado and shall credit the receipts from such sale to this account, notwithstanding 31 U.S.C. 3302, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds during fiscal year 1999.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for Next Generation High-Speed Rail program, as authorized under 49 U.S.C. 26101 and 26102, $15,294,000, to remain available until expended: *Provided*, That funds under this heading may be made available for grants to States for high-speed rail corridor design, feasibility studies, environmental analyses, and track and signal improvements.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $2,000,000 be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a) $609,230,000, to remain available until expended: *Provided*, That the funding under this heading shall be available only after (1) deposit in the Treasury of the sums made available to the Corporation pursuant to section 977 of the Taxpayer Relief Act of 1997, and (2) approval of a comprehensive capital plan for use of section 977 funds and amounts provided under this heading by the Secretary of Transportation, the Director of the Office of Management and Budget, and the House and Senate Committees on Appropriations: *Provided further*, That upon satisfaction of the prior proviso, section 977 funds shall be available.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $10,800,000: *Provided*, That no more than $54,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $750,000 shall be transferred to the Department of Transportation Inspector General for costs associated with the audit and review of new fixed guideway systems.

FORMULA GRANTS

For necessary expenses to carry out 49 United States Code 5307, 5308, 5310, 5311, and 5327, $570,000,000: *Provided*, That no more than $2,850,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 United States Code 5505, $1,200,000: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 United States Code 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $19,800,000: *Provided*, That no more than $98,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a); $43,841,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $9,158,400 is available for state planning (49 U.S.C. 5313(b); and $27,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5303 through 5308, 5310 through 5315, 5317(b), 5322, 5327, and 5334, $2,446,200,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,280,000,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $78,200,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $43,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $40,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $451,400,000: *Provided*, That no more than $2,257,000,000 of budget authority shall be available for these purposes: *Provided further*, That there shall be available for fixed guideway modernization, $902,800,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $451,400,000; and there shall be available for new fixed guideway systems, $902,800,000, to be available as follows:

$10,400,000 for Alaska or Hawaii ferry projects;

$52,110,000 for the Atlanta North Springs project;

$1,000,000 for the Austin Capital metro project;

$3,000,000 for the Canton-Akron-Cleveland commuter rail project;

$2,000,000 for the Charlotte, North Carolina North-South corridor transitway project;

$4,000,000 for Chicago Metra commuter rail extensions and upgrades;

$2,000,000 for the Chicago Transit Authority Ravenswood line project;

$4,000,000 for the Clark County, Nevada fixed guideway project;

$1,000,000 for the Cleveland Berea Red Line extension to the Hopkins International Airport;

$2,000,000 for the Cleveland Euclid corridor improvement project;

$10,698,000 for the Dallas-Fort Worth RAILTRAN project;

$8,000,000 for the DART North Central light rail extension project;

$1,000,000 for the Dayton, Ohio light rail study;

$40,000,000 for the Denver Southwest Corridor project;

$17,000,000 for the Dulles Corridor project;

$4,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$500,000 for the Harrisburg, Pennsylvania capital area transit/corridor one project;

$2,000,000 for the Houston Advanced Transit Program;

$59,670,000 for the Houston Regional Bus project;

$1,000,000 for the Johnson County, Kansas I–35 commuter rail project;

$1,500,000 for the Knoxville, Tennessee electric transit project;

$46,000,000 for the Los Angeles MOS–3 project;

$17,041,000 for MARC commuter rail improvements;

$1,500,000 for the Maryland Route 5 corridor project;

$2,200,000 for the Memphis, Tennessee Medical Center rail extension project;

$3,000,000 for the Miami Metro-Dade Transit east-west corridor project;

$1,000,000 for the Miami Metro-Dade North 27th Avenue corridor project;

$2,000,000 for the Mission Valley East light rail transit project;

$500,000 for the Nashville, Tennessee regional commuter rail project;

$70,000,000 for the New Jersey urban core Hudson-Bergen LRT project;

$43,000,000 for the New Orleans Canal Street corridor project;

$2,000,000 for the New Orleans Desire Streetcar project;

$2,000,000 for the Norfolk-Virginia Beach regional rail project;

$2,000,000 for the Northern Indiana South Shore commuter rail project;

$5,500,000 for the Oceanside-Escondido light rail project;

$4,000,000 for the Orange County, California transitway project;

$17,500,000 for the Orlando Lynx Light rail project;

$2,000,000 for the Philadelphia-Reading SEPTA Schuylkill Valley Metro project;

$1,000,000 for the Philadelphia SEPTA Cross County Metro project;

$8,000,000 for the Phoenix metropolitan area transit project;

$3,000,000 for the Pittsburgh Allegheny County busway and light rail projects;

$25,718,000 for the Portland-Westside/Hillsboro and South-North light rail projects;

$1,000,000 for the Puget Sound RTA Link light rail project;

$19,500,000 for the Puget Sound RTA Sounder commuter rail project;

$8,000,000 for the Raleigh-Durham-Chapel Hill Triangle Transit project;

$23,480,000 for the Sacramento south corridor LRT project;

$70,000,000 for the Salt Lake City South LRT project;

$3,000,000 for the Salt Lake City/Airport to University (West-East) light rail project;

$2,000,000 for the San Bernardino Metrolink extension project;

$3,000,000 for the San Diego Mid-Coast corridor project;

$74,000,000 for the San Francisco BART extension to the airport project;

$500,000 for the San Jacinto-Branch Line (Riverside County) project;

$35,000,000 for the San Jose Tasman LRT project;

$60,000,000 for the San Juan Tren Urbano;

$53,983,000 for the South Boston Piers MOS–2 project;

$1,000,000 for the South DeKalb-Lindbergh Corridor LRT project;

$1,000,000 for the Spokane, Washington light rail project;

$35,000,000 for the St. Louis-St. Clair County LRT extension project;

$500,000 for the Tampa Bay regional rail project;

$22,000,000 for the Twin Cities transitways project;

$2,000,000 for the Virginia Rail Express Fredericksburg to Washington commuter rail project;

$1,000,000 for the West Trenton, New Jersey rail project; and

$1,000,000 for the Whitehall ferry terminal project: *Provided further*, That funds provided in Public Law 105–66 for the Pennsylvania Strawberry Hill/Diamond Branch rail project shall be available for the Laurel Rail line project in Lackawanna County, Pennsylvania.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $1,805,600,000, to be derived from the Highway Trust Fund and to remain available until expended.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $10,000,000: *Provided*, That no more than $50,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the amounts appropriated under this head, not more than $10,000,000 shall be used for grants for reverse commute projects.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, $50,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $11,496,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $34,379,000, of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $8,460,000 shall remain available until September 30, 2001: *Provided*, That $5,000,000 shall be available for activities authorized under 49 U.S.C. 5506: *Provided further*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $33,448,000, of which $4,475,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2001; and of which $28,973,000 shall be derived from the Pipeline Safety Fund, of which $16,919,000 shall remain available until September 30, 2001: *Provided*, That in addition to amounts made available for the Pipeline Safety Fund, $1,300,000 shall be available for grants to States for the development and establishment of one-call notification systems, public education, and damage prevention activities, and shall be derived from amounts previously collected under 49 U.S.C. 60301.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2001: *Provided*, That not more than $9,600,000 shall be made available for obligation in fiscal year 1999 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $43,495,000.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $16,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed $2,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar for dollar basis as such offsetting collections are received during fiscal year 1999, to result in a final appropriation from the general fund estimated at no more than $16,000,000: *Provided further*, That any fees received in excess of $2,600,000 in fiscal year 1999 shall remain available until expended, but shall not be available for obligation until October 1, 1999.

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, $3,847,000: *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–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $53,300,000, of which not to exceed $2,000 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–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,000,000, to remain available until expended.

□ 2330

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 40, line 9, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order to this portion of the bill?

Mr. PETRI. Mr. Chairman, I have three points of order against this part of the bill.

The CHAIRMAN. The gentleman will state his first point of order, and we will deal with them individually.

POINTS OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against page 11, line 19, beginning with ''of which'' through ''fund'' on Line 20.

This provision violates clause 2 of rule XXI because it alters the funding formula established under the airport improvement program by appropriating $2.06 billion out of the airport and airway fund for FAA operations. The correct figure should be approximately $1,970,000,000 if the formula under existing law is followed. The added funding for appropriations has the effect of changing existing law and therefore constitutes legislation on an appropriation bill in violation of House rules.

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

Mr. WOLF. Mr. Chairman, we certainly did not want to have any legislation on an appropriation bill, so I concede the point of order.

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

Mr. PETRI. Mr. Chairman, I raise a point of order against page 16, line 20 through line 24. This provisions violates clause 2 of rule XXI because it rescinds $5 million in Airport and Airway Trust Fund contract authority, not general fund appropriations for grants and aid to airports. Airport and Airway Trust Fund contract authority, while a form of direct spending, is legislative in nature, and rescinding such authority is not within the jurisdiction of the Committee on Appropriations.

This rescission constitutes legislation on an appropriations bill in violation of House rules.

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

Mr. WOLF. Mr. Chairman, I concede the point of order.

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

Mr. PETRI. Mr. Chairman, I raise a point of order against page 18, line 2, beginning with ''provided'' through ''motor carriers'' on line 5.

This provision violates clause 2 of rule XXI because it transfers contract authority funds from the Federal Highway Administration to pay for the functions of the Office of Motor Carriers.

This provision changes existing law, and, therefore, constitutes legislating on an appropriation bill in violation of House rules.

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

Mr. WOLF. Mr. Chairman, this would save a lot of lives, and make truck safety much better throughout the Nation and keep accidents from taking place, but I concede the point of order.

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

Are there any amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. WOLF

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

The Clerk read as follows:

Amendment offered by Mr. WOLF:

On page 11, line 19 of the bill, after ''5,532,558,000,'', insert the following: ''of which $1,972,500,000 shall be derived from the Airport and Airway Trust Fund''.

Mr. WOLF. Mr. Chairman, the previous point of order deleted the trust fund's share of the FAA's operating expenses. I am aware that the chairman of the authorizing committee objects to a trust fund share in excess of $1.9725 billion which is the maximum authorized level according to the formula in the current law. However, the authorizing committee has written that there is no objection to a trust fund share at the authorized level. My amendment simply states that $1.9725 billion of FAA's total operating budget may be taken from the Aviation Trust Fund. That is the authorized level.

Mr. Chairman, I know of no objection to the amendment. I encourage its adoption.

Mr. SABO. Mr. Chairman, I rise in support of the amendment, but might I address a question to the gentleman?

Does the effect of the combination of the point of order, the gentleman's amendment now implementing that, mean that significantly less than half of the operations budget of the FAA now comes from the Airport Trust Fund?

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

Mr. SABO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, that is correct.

Mr. SABO. So, it is probably close to 60 percent of the operations actually comes from general revenue and not from the trust fund.

Mr. WOLF. That is correct.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WOLF

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

The Clerk read as follows:

Amendment offered by Mr. WOLF:

On page 26, strike lines 1 through 2.

Mr. WOLF. Mr. Chairman, I offer a technical amendment to strike the proviso that appears on the top of page 26. The proviso inadvertently changed the payment of the tax credit to Amtrak made by the Tax Payer Relief Act. That was not the intent of the committee. The committee merely intends to ensure that the Federal funds available to the corporation in fiscal year 1999 would be available only after Amtrak developed a comprehensive capital plan for the expenditure of the tax credit as proposed by the President's budget. The Committee on Ways and Means brought this oversight to our attention, and again it was not the committee's intent to change the payment of the TRA funds in any way.

Mr. Chairman, it is technical in nature, and I urge its immediate adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this part of the bill?

The Clerk will read.

The Clerk read 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. Such sums as may be necessary for fiscal year 1999 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the

Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 88 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. 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. The limitations 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. 311. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 312. 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. 313. 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. 314. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (a) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract; or (b) 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 (c) 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. 315. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital Investments Grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2001, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 316. Notwithstanding any other provision of law, any funds appropriated before October 1, 1998, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 317. None of the funds in this Act may be used to compensate in excess of 350 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 1999.

SEC. 318. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $20,000,000, which limits fiscal year 1999 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $89,124,000: *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 Transportation Administrative Service Center.

SEC. 319. 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. 320. 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. 321. Notwithstanding any other provision of law, the Secretary of Transportation shall convey, without consideration, all right, title, and interest of the United States in and to the parcels of real property described in this section, together with any improvements thereon, as the Secretary considers appropriate for purposes of the conveyance, to the entities described in this section, namely: (a) United States Coast Guard Pass Manchac Light in Tangipahoa Parish, Louisiana, to the State of Louisiana; and (b) Tchefuncte River Range Rear Light in Madisonville, Louisiana, to the Town of Madisonville, Louisiana.

SEC. 322. 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 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided,* That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. 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. 324. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: *Provided,* That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 325. Not to exceed $1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 326. No funds other than those appropriated to the Surface Transportation Board or fees collected by the Board shall be used for conducting the activities of the Board.

SEC. 327. (a) None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 328. Notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

SEC. 329. 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. 330. Notwithstanding 49 U.S.C. 41742, no essential air service shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large and medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 331. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 1999.

SEC. 332. Notwithstanding the provisions of any other law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 333. The unobligated balances of the funds made available in previous appropriations Acts for the National Civil Aviation Review Commission and for Urban Discretionary Grants are rescinded.

SEC. 334. (a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve Training Facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard shall dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other person, the Commandant of the Coast Guard shall give to the city of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 335. Of the funds provided under Coast Guard ''Operating expenses'', $1,000,000 is only for the Secretary of Transportation, in consultation with the Commandant of the Coast Guard, to establish a blue-ribbon panel to study the future capital requirements, roles, and missions of the U.S. Coast Guard, the activities of which shall not be subject to section 325 of this Act.

SEC. 336. Of the funds provided under Federal Aviation Administration ''Operations'', $250,000 is only for activities and operations of the Centennial of Flight Commission.

SEC. 337. Notwithstanding any provision of law, the Secretary of Transportation is hereby authorized to waive repayment of any Federal-aid highway funds expended on the construction of high occupancy lanes or auxiliary lanes on I–287 in the State of New Jersey: *Provided*, That such waiver shall not be granted by the Secretary until such time as the Secretary is assured by the State of New Jersey that removal of the high occupancy vehicle restrictions on I–287 is in the public interest.

SEC. 338. Funds made available in previous appropriations Acts for a railroad-highway crossing project in Augusta, Georgia shall be available for other street, rail, and related improvements in the vicinity of the grade crossing of the CSX railroad and 15th Street in Augusta, Georgia.

SEC. 339. Of the $40,000,000 provided under section 1602 of Public Law 105–178, item number 1679, $28,253,470 shall only be available for fire and life safety improvements to the East River and North Tunnels and the subterranean complex of Pennsylvania Station.

SEC. 340. (a) None of the funds made available by this Act or subsequent Acts may be used by the Coast Guard to issue, implement, or enforce a regulation or to establish an interpretation or guideline under the Edible Oil Regulatory Reform Act (Public Law 104–55), or the amendments made by that Act, that does not recognize and provide for, with respect to fats, oils, and greases (as described in that Act, or the amendments made by that Act) differences in—

(1) physical, chemical, biological and other relevant properties; and

(2) environmental effects.

(b) DEADLINE FOR PROMULGATION OF REGULATIONS.—Not later than March 31, 1999, the Secretary of Transportation shall issue regulations amending 33 C.F.R. 154 to comply with the requirements of Public Law 104–55.

SEC. 341. Funding made available in Public Law 105–174 for emergency railroad rehabilitation and repair shall be available for repairs resulting from natural disasters occurring from September 1996 through July 10, 1998.

SEC. 342. For purposes of evaluating environmental impacts of the toll road in Orange and San Diego counties, California, the Administrator of the Federal Highway Administration shall consider only those transportation alternatives previously identified by regional planning processes and shall restrict agency comments to those matters over which the agency has direct jurisdiction.

SEC. 343. (a) IN GENERAL.—Notwithstanding any other law, the Commandant, United States Coast Guard, shall convey to the University of South Alabama (in this section referred to as ''the recipient''), the right, title, and interest of the United States Government in and to a decommissioned vessel of the Coast Guard, as determined appropriate by the Commandant and the recipient, if—

(1) the recipient agrees to use the vessel for the purposes of supporting archaeological and historical research in the Mobile Bay Delta;

(2) the recipient agrees not to use the vessel for commercial transportation purposes, except as incident to the provision of logistics services in connection with the Old Mobile Archaeological Project;

(3) The recipient agrees to make the vessel available to the Government if the Commandant requires use of the vessel by the Government in times of war or national emergency;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous materials including, but not limited to, asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3);

(5) the recipient has funds available to be committed for use to restore the vessel to operation and thereafter maintain it in good working condition, in the amount of at least $400,000; and

(6) the recipient agrees to any other conditions that the Secretary considers appropriate.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, without cost to the Government. The conveyance of this vessel shall not be considered a distribution in commerce for purposes of 15 U.S.C. section 2605(e).

(c) OTHER UNNEEDED EQUIPMENT.—The Commandant may convey to the recipient any unneeded equipment or parts from other decommissioned vessels pending disposition for use to restore the vessel to operability. The Commandant may require compensation from the recipient for such items.

(d) APPLICABLE LAWS AND REGULATIONS.—The vessel shall at all times remain subject to applicable vessel safety laws and regulations.

SEC. 344. Item 1132 in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298), relating to Mississippi, is amended by striking ''Pirate Cove'' and inserting ''Pirates' Cove and 4-lane connector to Mississippi Highway 468''.

SEC. __. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University, located in Jackson, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to such terms and conditions as the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to the property

conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 59, line 5, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order to this section of the bill?

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against section 339. This provision violates clause 2 of rule XXI because it limits contract authority for the Pennsylvania Station project. This provision changes existing law and therefore constitutes legislating on an appropriations bill in violation of House rules.

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

Mr. WOLF. Mr. Chairman, I concede the point of order.

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

Are there any amendments to this part of the bill?

AMENDMENT OFFERED BY MR. ACKERMAN

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

The Clerk read as follows:

Amendment offered by Mr. Ackerman:

Page 59, after line 5, insert the following:

SEC. 347. None of the funds in this Act may be obligated or expended for closing any Coast Guard station in fiscal year 1999 unless such closure has been specifically authorized by law.

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Chairman, I rise to offer my amendment which would prevent the Coast Guard from closing any stations without specific congressional approval. This amendment would not allow the Coast Guard to use funds in fiscal year 1999 to close the station whose closure was not expressly authorized by the Congress.

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

Mr. ACKERMAN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I have reviewed the gentleman's amendment, and I understand the grave concerns that are posed to the public health and safety by closing the Coast Guard station specifically in the case of the Eaton Neck's Coast Guard station on Long Island. However, if the gentleman would kindly withdraw his amendment, I am confident we can find a suitable alternative to closing the Eaton Neck's Coast Guard Station. I would be willing to set up a meeting next week with the gentleman and Admiral Loy, the Commandant of the Coast Guard, to find an alternative solution to closing the Coast Guard Station at Eaton's Neck.

Mr. ACKERMAN. Reclaiming my time, Mr. Chairman, let me say that I appreciate the gentleman's attention to this matter. His word has always been as good as gold in this body. I would be glad to withdraw my amendment with his assurance and look forward to working with him on this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. ACKERMAN) is withdrawn.

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AMENDMENT OFFERED BY MR. ANDREWS

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

The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in title I under the heading ''OFFICE OF THE SECRETARY—AMTRAK REFORM COUNCIL'' may be used for payments to outside consultants.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, a great Nation needs a great national passenger rail system, and I believe we have established one in the United States that is getting even better literally with every day, as we have read some very good news from Amtrak today.

In 1987, the Congress came up with an innovative plan for a review council that would give a fair, public, and objective evaluation of where Amtrak is going and the progress that it is making.

I believe that this bill makes an important contribution to that effort. I particularly commend the chairman for appropriating $450,000 instead of the $1.9 million which was originally requested.

I think that another way we can expand on the chairman's efforts to make sure that we get a fair and efficient evaluation of where Amtrak is going is my amendment, which would specifically say that funds under this section may not be used for outside consultants.

I believe, Mr. Chairman, that we have ample and more than adequate expertise within the members of the council and the Department of Transportation, and I believe this amendment would accomplish those objectives.

I also would like to engage the Chairman of the subcommittee in a colloquy at this time.

Mr. WOLF. Mr. Chairman, if the gentleman will yield, I would be glad to. Before I begin, let me just say we do accept the gentleman's amendment. I think it is a good amendment. I think we can work with the DOT and IG. Having said that, I would be glad to engage with him in a colloquy.

Mr. ANDREWS. Mr. Chairman, I want to first thank the chairman for his leadership on this issue and for his support of Amtrak. In particular, I commend the chairman for his responsible action of providing only a small portion of the funds requested by the council.

Some members of the council have requested an appropriation of $1.9 million. The committee has appropriated only $450,000. This is a clear signal to the American taxpayers that Congress is active in its fight against wasteful spending.

It is my understanding that in appropriating this money, the committee expects the council to follow the dictates provided in law that their meeting should be open to the public. Is that also the chairman's understanding?

Mr. WOLF. Mr. Chairman, if the gentleman will yield, yes, that is my understanding clearly.

Mr. ANDREWS. Reclaiming my time, it is also my understanding that the committee expects the council to spend money on travel only when absolutely necessary to fulfill its responsibilities as prescribed by Congress in the Amtrak Reform and Accountability Act. Is that also the understanding and expectation of the chairman?

I yield to the gentleman from Virginia.

Mr. WOLF. Yes, that is my understanding.

Mr. ANDREWS. I want to just conclude my remarks by also thanking the chairman for his support of $50 million for the job access and reverse commute funding in a different part of this bill. The gentleman from Illinois (Mr. DAVIS), my colleague, was the leader in getting that program authorized. We appreciate the effort in getting it appropriated.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to this amendment. This amendment is an attempt to further hamstring the Amtrak Reform Council—a group of outside volunteers, a majority of whom were appointed by the congressional leadership itself. These are public-spirited citizens of both parties who get no pay, only travel reimbursement under the specific terms of the 1997 Amtrak Reform Law.

Yet this amendment tries to beat up on a volunteer watchdog group that has been allocated what in my opinion is already an inadequate appropriation—only $450,000.

Why so much attention to such a small outfit? Because the Clinton administration is deathly afraid of facts and candor where Amtrak is concerned. From the day the President signed last year's Amtrak Reform Law, there has been an unrelenting pattern of delay, sabotage, and non-feasance by the Clinton administration. Time and time again, the administration has-characteristically, simply ignored federal law.

The reform council is the one source of analysis and scrutiny that the administration cannot control: It's not part of D.O.T., its made up of outside independent leaders, and it has a broad mandate under the law to delve into all aspects of rail passenger service. What could be more frightening to an administration that adheres slavishly to a status quo that will simply guarantee an Amtrak bankruptcy?

That's where the Andrews amendment comes in. The administration wants the reform council denigrated, disenfranchised, and defunded. The President has made that clear by, among other things, not appointing either of the two presidential members of the council—A labor and management representative—although the law required him to do that seven months ago. The Andrews amendment is just the latest installment in the continuing effort to sabotage Amtrak Reform.

This amendment would forbid the reform council to hire any outside consultants to assist it in carrying out its mandate under the Reform Law.

The mandate includes evaluating Amtrak's performance and making recommendations for cost containment, productivity improvements, and financial reform. The council is also to address Amtrak's accounting methods, management efficiencies, and labor cost savings.

To do this extensive analysis, the council members necessarily must be free to obtain the services of experts on railroad operations, accounting, and indeed financial investigators. Such persons must be independent—not part of the Clinton administration's D.O.T. That has already proven itself an enemy of Amtrak reform.

I realize that the Senate bill contains a similar restriction, albeit ill-advised. The Senate provision—and I believe the present amendment—are based on a complete misunderstanding of the Reform Council's function relative to the ''independent assessment'' of Amtrak required under a separate provision of the reform law.

Unlike the Reform Council's broad mandate to look into virtually every aspect of Amtrak, the independent assessment is focused on one central topic—stated in section 202 of Public Law 105–134. That is ''the financial requirements of Amtrak through fiscal year 2000.'' This assessment is to be conducted by an independent entity under contract to D.O.T.

Far from duplicating the independent assessment, the Reform Councils' activities are complementary to it. The D.O.T. contractor does not have the broad mandate to delve into the details of all aspects of Amtrak's operations and to recommend systemic changes. To put it in the simplest terms, the independent assessment is to be a snapshot of Amtrak's financial requirements for Amtrak as it is now doing business. The Reform Council's job, on the other hand is to identify what is wrong with the specific business methods of Amtrak, and to recommend changes to those methods.

This brings us to why the unwarranted restriction on the use of outside talent in this amendment is so important to the Clinton administration. The administration is in ''denial'' with respect to Amtrak; it does not want to be asked—or to have to answer—the tough questions about Amtrak's operations, methods, and finances. Anything that disarms the Reform Council advances the administration's goal of clinging irrationally to an untenable status quo.

If you doubt my conclusions about the reasons behind this amendment, ask yourself: why are rail labor and the administration expending this much effort to restrict an appropriation of $450,000? it can only be because of a tremendous fear of having to face financial and business reality with respect to Amtrak.

This amendment does not appear in a vacuum. We have now had eight months of consistent delay and sabotage of the Amtrak reforms that were negotiated with the administration and passed with bipartisan support last December. At every turn—the appointment of the new Amtrak Board of Directors, the resolution of labor issues mandated in the reform law, and even the appointment of the President's two selections for membership on the Reform Council itself—the administration has consistently ignored the law. Now the administration sees a chance to neutralize the reform council completely by denying it the resources of professional financial and investigative personnel.

The Amtrak Reform Law specifically directs Amtrak to grant the Reform Council full access to ''all information the council requires,'' including proprietary matters. As the administration well knows, this will be a meaningless and theoretical right if the council cannot utilize the services of its own professionals to delve into all aspects of Amtrak.

The choice on this amendment is simple: either we stand up for the reform we enacted last year and help to make it work, or we cater to the obvious desire of the Clinton administration to avoid all of the tough questions about the future of intercity rail passenger service.

In sum, this amendment is an unwarranted and unfair assault on a bipartisan group of public-spirited citizens who are doing their level best to deal with the realities facing Amtrak—not the delusional world the administration wants to pretend it lives in. If the Clinton administration and other unrealistic fans of the Amtrak status quo would spend a fraction of the energy on actual reform of Amtrak that they have already expended in trying to beat up on a very sound $450,000 expenditure, everyone—especially Amtrak and the future of rail passenger service—would be much better served.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. NADLER

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

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

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

At the end of title III, insert the following:

SEC. 347. None of the funds made available in this Act or in the Transportation Equity Act for the 21st Century (P.L. 105–178) may be used for improvements to the Miller Highway in New York City.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitute legislation in an appropriation bill and, therefore, violates clause 2 of rule XXII. The rule states in pertinent part no amendment to a general appropriation bill shall be in order if changing existing law. I would ask for a ruling from the Chair.

The CHAIRMAN. The gentleman from Virginia raises a point of order. Does any Member wish to be heard on the point of order?

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will await the ruling of the Chair on this point of order.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) makes a point of order that the amendment offered by the gentleman from New York is in violation of clause 2(c) of rule XXI for legislating on an appropriation bill.

The amendment offered by the gentleman from New York seeks to deny the use of funds in the pending Act and in the authorizing law for improvements to the Miller highway.

Clause 2(c) of rule XXI provides that no amendment to a general appropriation bill shall be in order if changing existing law. A general principle of the rule prohibiting amendments to general appropriation bills that change existing law is that a limitation amendment must confine itself to funds in the pending bill. This principle is codified on page 677 of the House Rules and Manual.

Mr. NADLER. Mr. Chairman, I have heard enough. I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order. The point of order is conceded and sustained.

Are there further amendments to this part of the bill?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer a second amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

At the end of title III, insert the following:

None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, except for funds resulting from obligations pursuant to sections 1601 and 1602 of the Transportation Equity Act for the 21st Century (P.L. 105–178).

Mr. NADLER. Mr. Chairman, once again, along with the gentleman from California (Mr. ROYCE), the gentleman from Minnesota (Mr. MINGE), and the gentleman from Wisconsin (Mr. NEUMANN), with strong support from the administration, from the Pork Busters Coalition, the Council for Citizens Against Government Waste, the National Taxpayers Union, and Taxpayers for Common Sense, I rise to offer an amendment to keep valuable taxpayers' dollars from being wasted on an outrageous boondoggle in my district in New York City.

The language we seek to add to this bill, with one change necessitated by the Chair's ruling on the first amendment, is the exact same language that has been included in this bill for the last 3 years.

For 3 years, this Congress has said no, we do not believe this project is worthwhile. Nothing in the past 3 years has changed, except for one action by the other body; not the design nor the purpose of this project.

The issue is simple. Donald Trump wants the taxpayers to put up $350 million so that he can take a highway, a 13-block long highway, that was rehabilitated for close to $90 million of taxpayers' money, the ribbon cutting was less than 5 years ago, this highway has a life expectancy of 35 to 40 years before the necessity for major expenditures will arise again, and having just refinished rebuilding this highway at a cost of close to $90 million, Mr. Trump wants to take 300 to 350 million additional taxpayers' dollars and tear it down and move it a few hundred feet and change a straight highway into a curved highway.

Why? So that the residents in the new luxury apartments in the buildings he is planning to develop will have an unobstructed view of the Hudson River and The Palisades and the glorious sunsets in New Jersey.

Mr. Chairman, I appreciate the view of The Palisades in New Jersey and the Hudson River. It is a beautiful river, but I do not think that we should be spending $350 million of the taxpayers' money so that Mr. Trump will be able to charge higher prices, higher rents for these new luxury apartments and will be able to sell these new condos for higher prices.

If Mr. Trump wants better views so that he can get better prices for his apartments, let him put up the money. For him it is a pittance. Let him put up the money to move this perfectly good highway.

I would like to point out that there is no transportation purpose to this project whatsoever. No one even claims it. In fact, from a transportation point of view, it is not a good idea to take a straight highway and substitute a 180 degree curved highway.

The only purpose for this boondoggle is to line Mr. Trump's pockets.

I would like to point out that every local elected official, the State Senator, the assembly member, the council member, the two local community planning boards, 4,000 local residents whose petition signatures I have here, say to us, do not waste the money on this boondoggle. Do not pass this project.

I want to thank the gentleman from California (Mr. ROYCE), the gentleman from Minnesota (Mr. MINGE) and the gentleman from Wisconsin (Mr. NEUMANN) and the Pork Busters Coalition and the Council for Citizens Against Government Waste, the National Taxpayers Union, the Taxpayers for Common Sense and the Clinton administration for the strong support they have given this amendment and the work they have done to put the brakes on this boondoggle.

Now, the second amendment which was not ruled out of order has one difference. A Senator from my State, or a Member of the other body from my State, put $6 million in the TEA–21 Act in the dead of night in the conference committee for a study of moving this highway.

This study is a boondoggle. It is $6 million to study something that is not going to happen because it would cost $350 million and this Congress is going to say, as it has before, this will not happen.

We cannot, because of the rules, take that $6 million out of the bill. So, unfortunately, we will waste maybe $6 million.

I will point out, I would like to read one paragraph from a letter written by the deputy major of the City of New York, to Donald Trump. ''Dear Donald, while the administration is fully committed to the Miller Highway relocation, it is critical that the funds for the project not redirect or act as an offset for Federal or State funds for other transportation and infrastructure projects in New York City, the city's numerous pressing highway and transportation needs that have Federal financial support and the administration would not be able to support a relocation proposal that reduced Federal commitments to these other projects.''

I will point out that all of the money, except for the $6 million, the other $294 million to $344 million for this project, would have to come out of the State's general formula money and the mayor obviously does not want that to happen because he intelligently understands that there are far more important things for the people of the city and State of New York than this boondoggle.

□ 2350

All this amendment, as rewritten, as modified, would do is to make sure that, other than that $6 million which, unfortunately, we cannot touch because of the Rules of the House, no funds generally obligated for transportation in New York are diverted from other projects elsewhere in the State or the city for this project.

Mr. Chairman, I again urge that this amendment be adopted.

I include for the RECORD four letters, one from the Office of Management and Budget, one from the Taxpayers for Common Sense, one from the National Taxpayers Union, and one from the Citizens Against Government Waste.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 28, 1998.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NADLER: Thank you for your letter requesting the President to line item veto funds contained in the Transportation Equity Act for the 21st Century (TEA–21) for the Miller Highway project. The President has asked that I respond on his behalf.

The Administration shares your concern that funding to convert Miller Highway to an underground tunnel is not appropriate. However, on June 25, 1998, the Supreme Court declared the President's authority to utilize the line item veto to cancel specific project funding unconstitutional.

I understand that you may be offering an amendment to the Transportation Appropriations bill that would prohibit funds from being made available for the Miller Highway project, as has been enacted into law in recent years. The Administration would support such an amendment.

As you recall, the Administration expressed concern regarding the excessive funding provided for so-called ''high priority'' highway demonstration projects prior to the passage of TEA–21. We are particularly concerned that these projects have not received appropriate scrutiny.

Thank you again for bringing your concerns to our attention.

Sincerely,

JACOB J. LEW,
Acting Director.

TAXPAYERS FOR COMMON SENSE,
Washington, DC, July 29, 1998.

WHY SHOULD TAXPAYERS PAY FOR A PROJECT OPPOSED BY THE CONGRESSMAN WHOSE DISTRICT IT'S IN?

DEAR REPRESENTATIVE: Taxpayers for Common Sense urges you to support the Nadler-Royce-Minge-Neumann amendment to the FY99 Transportation Appropriations bill that would prohibit the use of funds to relocate the Miller Highway in New York City.

The relocation of this highway would serve no determinable transportation purpose. An independent architect estimated this project would cost as much as $350 million. Real estate developers have an interest in getting federal dollars for this project because the highway relocation would raise the value of their property.

Representative Nadler opposes this wasteful project, even though the federal money would go to his district. Many residents and area officials join him in opposing the project. In December 1994, the Miller Highway was refurbished at a cost of $80 million. Those repairs have a life expectancy of 35 to 40 years. Developers are now trying to get funding for a project to tear down and rebuild this renovated highway, at a possible cost of more than $300 million, even though the move has no apparent transportation benefit.

Taxpayers should not be forced to shell out hundreds of millions of dollars to subsidize greater profit margins for private investors. This project exemplifies the extravagance that a fiscally responsible Congress cannot tolerate. Support the Nadler-Royce-Minge-Neumann amendment and stop this wasteful expenditure of federal transportation funds.

Sincerely,

JILL LANCELOT,
Legislative Director.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, July 23, 1998.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NADLER: The National Taxpayers Union, America's largest grassroots taxpayer organization, strongly supports your amendment to the FY 1999 Transportation Appropriations bill to stop the resurrection of a huge pork barrel project in your own district—the infamous Miller Highway.

The Department of Transportation strictly ordered all work to stop on this boondoggle in 1995. However, real estate mogul Donald Trump has persisted in seeking taxpayer funds to tear down and move the recently refurbished highway to enable him to build luxury housing. Somehow, $6 million was added to the Intermodal Surface Transportation Efficiency Act (ISTEA) during conference committee. This $6 million is only a small down payment that could mutate into a staggering $350 million in federal funds according to one independent architect.

In 1995, taxpayers spent more than $90 million to rehabilitate this very same elevated highway. This ''emergency reconstruction'' is projected to have a life expectancy of 35 to 40 years. Mr. Trump proposes to demolish this recent highway reconstruction and move it a few hundred feet to provide an unobstructed view of the Hudson River. Is this really a federal taxpayer priority? Absolutely not.

We applaud your effort to stop pork in your own district. New York City Councilmembers, State Senators and Assemblymembers, and two local planning groups have already said ''no'' to Mr. Trump. He just hasn't listened. Mr. Trump should pay for the unobstructed view of the Hudson River out of his own pocket rather than pick the pockets of millions of hard working taxpayers.

Sincerely,

JOHN BERTHOUD,
President.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, July 29, 1998.

DEAR MEMBER OF CONGRESS: Election year politics is once again affecting sound public policy. We write today to offer our strong support for the Nadler-Royce-Minge-Neumann amendment to H.R. 4328, the Transportation Appropriations Act for FY 1999. This amendment would prevent the allocation of $6 million to study the relocation of the Miller Highway on Manhattan's Upper West Side. The relocation of the elevated highway benefits one person. It would allow New York City developer Donald Trump to build luxury high-rise apartments with an unobstructed view of the waterfront thereby increasing the value of the property.

In 1994, the Miller Highway in Manhattan was renovated at a cost to the taxpayers of over $90 million, and is expected to be operable for the next 35 to 40 years. Now Mr. Trump would like to have the highway moved, at a potential cost of $350 million to the taxpayers, along with new transportation headaches for New Yorkers.

Congress has overwhelmingly refused to support this initiative in each of the last three years and should do so once again. It's an absolute outrage for the House to even be considering the appropriation of these taxpayer funds in order to boost the real estate values of a multi-millionaire. The government has already given its opinion of this boondoggle when the Department of Housing and Urban Development recently refused to provide subsidized housing loans for the project.

Do not allow election year politics to cloud your judgment. This transportation project serves no transportation purpose. Please support Nadler-Royce-Minge-Nuemann.

Sincerely,

TOM SCHATZ,
President.

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

Mr. Chairman, I am not going to take anywhere near 5 minutes, and I was not going to speak at all, but I was just taken aback by my colleague, the gentleman from New York (Mr. NADLER), who is standing up here talking about how he is siding with the taxpayers and he is siding with the pork busters and he is siding with the National Taxpayers Union. I find that a little amazing.

He is a very good friend. I served in the legislature with the gentleman in New York State, as I did with the gentleman from New York (Mr. SCHUMER), my good friend. But I do find that amusing, because, as the gentleman knows, he is rated by those same organizations as the biggest spender, one of the biggest spenders in the Congress. So I just find it hard to find that argument credible.

But more than that, I am from New York, but I am from way up in the Adirondack Mountains in New York, and it is about 200 miles from New York City. But we have to do what is right for our State. I believe in States' rights.

I heard the gentleman saying some people were opposed to it, but I have a memorandum here that says that the Regional Planning Board Association, the Parks Council of New York, the Municipal Arts Society, all of these are in favor of this continuing construction of this road. The General Contractors Association, it goes on and on and on, the AFL–CIO, the International Union of Operating Engineers, and including Mayor Lavine, Empire State Development Corporation, and a host of others.

But, to me, this is not pork barrel. This is what the New York State Transportation Department wants, and that is what we ought to go by. We should not be jamming little pet projects into bills like this. We ought to go by the recommendations from our State, and that is exactly what this is.

I might say that it is supported on a bipartisan basis by one of my best friends and one of the great Senators in the other body, and I am not talking about AL D'AMATO, I am talking about PAT MOYNIHAN, a great Senator. He is for this very much, and so is the other great Senator, AL D'AMATO.

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

Mr. SOLOMON. I yield to the gentleman from New York, although I wonder why the gentleman is standing up here siding with all of these organizations who normally side with me.

Mr. NADLER. Mr. Chairman, I would like to explain that.

First of all, I offered the amendment for the first time 3 years ago, and we have adopted it 3 years running. These organizations have supported my amendment. They recognize the wisdom of it. I appreciate their recognition. The fact that one disagrees with someone on a lot of things does not mean one disagrees on everything.

Mr. SOLOMON. Mr. Chairman, I just want the gentleman to be consistent; and the next time we have amendments similar to this, I want the gentleman out here fighting for the National Taxpayers Association.

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

Mr. Chairman, I am pleased to report that the Taxpayer Coalition, or the Pork Buster Coalition, in this body strongly supports this amendment. It really confirms the insidious nature of a conference committee process which has operated in secret with major legislation that is not available for scrutiny at the time of its presentation to this body.

This process must stop. It undermines the credibility of this institution.

Mr. WOLF. Mr. Chairman, I accept the amendment.

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

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. NADLER), my friend and neighbor, to delete funding for a multimillion dollar, unnecessary, uncalled for highway project.

The Miller Highway project is truly an unprecedented act of raw pork. It is opposed by the Congressman whose district the project resides in. It is opposed by the entire neighborhood in which the highway is built. It serves no transportation purpose because it replaces a highway that was rebuilt 5 years ago. It only has the support of one very influential person, Donald Trump.

Now, I do not fault Donald Trump for wanting to tear down the Miller Highway so he can get better views for his luxury apartments. I do not agree with him, but I do not fault him.

I fault the Congress that put this wasteful boondoggle in the budget. I fault the Congress for building a $300 million highway to satisfy one person. We should be ashamed.

The Nadler amendment rectifies this embarrassing situation, so let us do the right thing. Let us do right by the neighborhood. Let us do right by the taxpayers. Let us clear our conscience and support the Nadler amendment.

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

Mr. SCHUMER. I yield to the gentleman from New York.

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

I just want to point out two points. One, this highway was not on the priority list submitted for the ISTEA act or the T.E.A. 21 act by either the city or the State. Neither the governor nor the mayor submitted it.

The second thing I would point out is that the gentleman from New York mentioned Randy Levine as having a letter in support. Randy Levine is the deputy mayor of New York, and it was the second paragraph of his letter that I read from in which he said, the administration of New York City would like this highway moved but not with the use of any funds unless they get an extra $300 million, which they have not gotten. They do not want it moved at the cost of other projects in New York, and that is what my amendment would accomplish.

Mr. SCHUMER. Mr. Chairman, I think the gentleman from New York has offered to pay for this personally, and that would solve, well, it would not solve the problem. It would alleviate the problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARR of Georgia:

SEC. . None of the funds appropriated by this Act may be used to carry out the National Highway Traffic Safety Administration proposed rule (Docket No. NHTSA–98–3945) dated June 17, 1998, which implements section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

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Mr. BARR of Georgia. Mr. Chairman, this language simply directs that none of the funds appropriated by this act shall be used to implement certain rules proposed by the Department of Transportation, National Highway Traffic Safety Administration, on June 17, 1998, in the Federal Register, pages 33219 to 33225. It does not go beyond the scope of that, and it does not go beyond the scope of what properly may be an appropriations bill, such as the one currently before this body.

Mr. Chairman, the problem with these rules proposed by the Department of Transportation's National Highway Traffic Safety Administration is that while purporting to implement Section 656 of the Illegal Immigration and Immigrant Responsibility Act of 1996, they go far beyond the intent of that legislation as passed by this Congress.

The intent of that particular section of the legislation was simply to provide that there be proposed and implemented a tamper-resistent alien identification card, and to take steps to ensure that identification cards do not allow for fraudulent uses and purposes and manufactured by illegal aliens.

However, in the rule proposed by the administration, there is a very clear directive intent that would result in the development of a national identification card. The rule would do this by providing that after October 1 of the year 2000, all Federal agencies may accept as proof of identity only a driver's license or identification document that conforms strictly to certain specific and uniform requirements, and that if any State driver's license issued by any State fails in any respect to conform to such requirements, it shall not be acceptable for any Federal purpose or by any Federal agency.

The proposed rule also requires that all driver's licenses or identification cards issued by States contain a Social Security number.

Mr. Chairman, this clearly is designed to go far beyond the scope of the provisions contained in Section 656 of the aforementioned 1996 immigration law. It was not the intent of that bill or of the Congress to establish a national identification card, or to require that all States issue only drivers' licenses in a format required by the Federal Government.

This proposed amendment to the transportation appropriation bill simply would require, by its refusal to allow any funds to be used to implement the proposed rule contained in the June 17, 1998, Federal Register, it would simply force the administration to go back, reconsider its rule, and come forward with a rule that hopefully would be in conformity with the intent of section 656 of the 1996 immigration bill, and would force them to amend the current proposed rule, which goes far beyond the intent of Congress in passing that particular section in 1996.

I believe it is the clear desire of this Congress not to see a national identification card implemented, which these proposed rules, if they are not stopped at this point, will in fact result in.

With that, Mr. Chairman, I urge the adoption of this amendment.

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) insist on his point of order?

Mr. WOLF. Mr. Chairman, I do not, but I move to strike the last word.

Mr. Chairman, this amendment is opposed by the gentleman from Texas (Mr. LAMAR SMITH), who is apparently on his way to the floor. It deals with the immigration reform bill, which was passed by this Congress in another Congress. We know very, very little about it.

We were told that there was a colloquy that was going to take place between the gentleman from Georgia (Mr. BARR) and the gentleman from Texas (Mr. SMITH). We just called the office of the gentleman from Texas (Mr. SMITH). He apparently is opposed to the bill, and is on his way over.

I would just say that in lieu of the gentleman from Texas (Mr. SMITH) walking hopefully very fast over, I would rise in opposition to the amendment, which would prevent the Department of Transportation from implementing a regulation.

If I might say, without me going through this as a waste of time, would the gentleman from Georgia (Mr. BARR) agree to withdraw the amendment until the gentleman from Texas (Mr. SMITH) gets here, and allow us to take the amendment from the gentlewoman from New Jersey (Mrs. ROUKEMA)? Then the gentleman from Georgia (Mr. BARR) could offer his amendment again, and then the gentleman from Texas (Mr. SMITH) would be here. The gentleman could offer it again, as a courtesy.

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

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

Mr. BARR of Georgia. Mr. Chairman, I strived to contact the gentleman from Texas (Mr. SMITH) on the way over here. I do have a colloquy to discuss with him.

With the assurance that we will have time soon as the gentlewoman from New Jersey (Mrs. ROUKEMA) moves forward with her amendment, I certainly would withdraw it at this time with the gentleman's consent, and with the understanding that we would pose it immediately after the next amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. I offer an amendment, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA:

Page 53, line 15, strike ''is hereby authorized to'' and insert ''shall''.

Page 53, line 18, strike the colon and all that follows through ''time as'' on line 20 and insert ''if''.

Mrs. ROUKEMA (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 gentlewoman from New Jersey?

There was no objection.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I think we can very brief with this.

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

Mrs. ROUKEMA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I would tell the gentlewoman, I think it is a great amendment, and I accept it.

Mrs. ROUKEMA. I thank the gentleman, Mr. Chairman.

Let me just say a few words, and also acknowledge my colleagues, the gentlemen from New Jersey, Mr. FRELINGHUYSEN and Mr. FRANKS, who really initiated this issue, and included the language in the bill that we have before us.

Mr. Chairman, this deals with the HOV lanes in the State of New Jersey, particularly along Route I–287, and the fact is that they have caused tremendous problems in terms of airplane pollution, and they certainly have caused enormous traffic jams.

So consistent with the language the gentleman has in the bill, I was concerned that, as currently drafted, it might be giving Federal bureaucrats too much discretion. For this reason, this amendment, I believe, does the same thing with the precision which was originally intended. I think the change in language gives that precision. The amendment would simply require the Secretary of Transportation to grant New Jersey this commonsense waiver for I–287 that we already have for Route 80, so New Jersey assures the Secretary that removing these lanes is in the public interest.

I think the legislative language will make a big difference for New Jersey, and it will return the decision-making process to the people of the State.

Mr. WOLF. If the gentlewoman will continue to yield, Mr. Chairman, the gentlemen from New Jersey, Mr. FRANKS and Mr. FRELINGHUYSEN, have spoken to me about this. I think it is a wonderful amendment, and we accept it.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman. I really appreciate the help, and so do the people of New Jersey.

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

Mr. Chairman, let me indicate that the Department has some serious reservations about this provision. I expect we will adopt it tonight, but I would indicate to our friends from New Jersey, I think this is something we need to keep visiting about as we go to conference.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARR of Georgia:

At the end of the bill insert the following:

SEC. . None of the funds appropriated by this Act may be used to carry out the National Highway Traffic Safety Administration proposed rule (Docket No. NHTSA–98–3945) dated June 17, 1998, which implements section 656(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Mr. BARR of Georgia (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 Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Texas (Mr. SMITH), the distinguished chairman of the Subcommittee on Immigration and Claims, with regard to Section 656 of the Illegal Immigration and Immigrant Responsibility Act of 1996.

In this important piece of legislation there was a section which requires States to produce driver's licenses that conform to Federal specifications.

Recently, the Department of Transportation has promulgated a rule to provide the basis for a national identification card. It does this in part by directing that all Federal agencies may accept as proof of identity only a driver's license or identification document that conforms strictly to certain specific and uniform requirements; and that if a State driver's license issued by any State fails in any respect to conform to such requirements, it shall not be acceptable for any Federal purpose or by any Federal agency.

The proposed rule also requires that all drivers' licenses or identification cards contain a Social Security number. I understand this was not the intention of that provision in the 1996 law, and that the author thereof, the distinguished gentleman from Texas (Mr. SMITH), agrees that the rule proposed by the U.S. Transportation Department, National Highway Traffic Safety Administration, on June 17, 1998, in the Federal Register at pages 33219 to 33225, goes far beyond the intent of Section 656 of the 1996 legislation.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, the gentleman is correct, the legislation we passed was designed only to address necessary steps to deal with a specific problem, such as illegal immigration in the United States. It was not the intention of the bill or the Congress to establish a national ID, or to require that all States issue only driver's licenses in a format required by the Federal Government.

Mr. BARR of Georgia. Reclaiming my time, is it the chairman's reading of the proposed rule that the Department of Transportation has gone far beyond the scope of congressional intent with respect to the rules of the National Highway Traffic Safety Administration issued in the Federal Register on June 17, 1998?

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Mr. SMITH of Texas. Mr. Chairman, if the gentleman would yield, the gentleman from Georgia (Mr. BARR) is correct. The proposed rule does go far beyond the intent and scope of section 656 of the 1996 legislation.

Mr. BARR of Georgia. Mr. Chairman, reclaiming my time, would the distinguished gentleman commit to work with me, the gentleman from Texas (Mr. PAUL), and others to draft and enact legislation before the adjournment of this Congress which will prevent the establishment of a national ID card and properly limit rules and regulations issued by the administration so as to conform to the intent and purpose of section 656 of the 1996 legislation?

Mr. SMITH of Texas. Mr. Chairman, if the gentleman would continue to yield, as the chairman of the Subcommittee on Immigration and Claims and as a coauthor of the language in section 656, I will work with the gentleman, the gentleman from Texas (Mr. PAUL), and others who might be interested, to draft and enact legislation this Congress that will prevent the Department of Transportation, or any other agency or department of the executive branch, from establishing or requiring a national ID card that might result from the aforesaid rules proposed in the Federal Register on June 17, 1998.

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Texas for his commitment to work on this legislation which will address this serious situation.

At this time, I will amend my amendment so that its only purpose will be to rescind the rules proposed by the National Highway Traffic Safety Administration in the Federal Register on June 17, 1998, at pages 33219 to 33225, 23 CFR, part 1331, entitled State-Issued Driver's Licenses and Comparable Identification Documents; Proposed Rule.

This will not hamper the legitimate purpose of the legislation proposed and adopted in 1996 as section 656 but will simply force the administration to go back and propose more limited rules consistent with the law and congressional intent.

Mr. Chairman, I urge the adoption of this amendment.

Mr. PAUL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am very pleased that this subject has been brought to the House floor tonight. I am very pleased that the gentleman from Georgia (Mr. BARR) has offered this amendment.

Mr. Chairman, it does not solve the problem that we face here in the Congress and in this country, and that is the perpetual invasion of our privacy. It has been said even by the author of the immigration bill that the intent was not to have a national ID card, but if Members would read the regulations now being written by the Department of Transportation, it can be seen as nothing else.

This indeed would be a national ID card. Last week, we dealt with the subject of medical IDs and a national data bank. Fortunately, something was put into the Patient Protection Act to stymie that a little bit.

But there is an ongoing onslaught against personal privacy in this country. And in 1996, of course, when the immigration bill was passed, this authority was given. Quite frankly, even though I am quite pleased with the efforts that we have made here tonight, I think ultimately, if we are sincere about protecting the American people and guaranteeing that we do not have a national identification card, we will repeal that authority. Tonight we are not doing that, but at least we are putting a roadblock in these regulations now being written.

I do not think this is an accident. I do not think that this is something that we should be surprised about. Too often, Congress writes regulations and gives authority to certain departments and agencies of government, and then they go beyond the scope; and, too often, we do not pay much attention to it. Fortunately, under these circumstances, I think that it has been brought to the attention of the Congress and proper action has been started, so I am very pleased to be able to support this amendment.

Mr. Chairman, in the bigger picture, I think that we are going to continue to see this problem, because when a government gets very large, when a government gets very bureaucratic and when it is difficult to solve all the problems, the government naturally becomes more authoritarian and then the effort becomes how do we get the government to work efficiently? So there is a contest going on in the country today, and it is going to continue: the efficiency of government versus the privacy and the freedoms of the individual.

I do not believe that we have been sent here to protect the interests of the State. We have been sent here to uphold the Constitution and protect the liberties of the individual. So this is a perfect example of a contest going on between the bureaucracy and the encroachment of big government versus the individual liberties of other American citizens.

So I am pleased with this amendment and, hopefully, it will pass. I think we have to continue to be vigilant about privacy in our medical records and the abuse of the social security number as the national identifier. There are many, many pieces of legislation; there are 40 times we have authorized in this Congress for the social security number to be used as the identifier. It was never intended that way.

So I plead with my fellow colleagues to continue to be vigilant and watch out and protect the individual liberty and the privacy of all of us.

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

Mr. Chairman, I am concerned that, after midnight, we raise the question here that goes not to the heart of the transportation bill before us but to questions of the implementation of the immigration bill.

I am very concerned when I hear some of my colleagues who I think very much would like to see a national ID card raise the specter that the National Highway Traffic Safety Administration's rulemaking, which is pursuant to the Illegal Immigration Reform and Immigration Responsibility Act of 1996, is in fact that they are concerned about that, when they are raising the rules based upon the mandate that the legislation had.

Now, what does a mandate do? It says that a State-issued driver's license and comparable identification document provides that a Federal Agency may only accept as proof of identity a driver's license or identification document that conforms to specific requirements in accordance with regulations to be issued by the Secretary of Transportation.

Now if the Department of Transportation, under the act that was passed and offered by the majority, can never issue the rulemaking to give the standard, then the person who is a permanent legal resident of the United States does not have a vehicle by which, in fact, to show identification and, therefore, be able to give themselves the opportunity to access whatever it is governmentally that they wish, whether it be a program or otherwise.

So I would like to ask, if I may, the sponsor of the amendment, the gentleman from Georgia (Mr. BARR), if he would be willing to respond to a question. My question is, is not the National Highway Traffic Safety Administration just doing the rulemaking that the legislation which I believe you and the gentleman from Texas (Chairman SMITH) supported?

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Chairman, that is the question. I would say to the gentleman from New Jersey, it appears that the rule that they are proposing goes beyond the intent.

Mr. Chairman, I just talked with the distinguished gentleman from Virginia (Chairman WOLF), and based on a colloquy that he and I are going to ask unanimous consent to engage in, we will be withdrawing the amendment at this time.

Mr. MENENDEZ. Mr. Chairman, the gentleman will be withdrawing the amendment?

Mr. BARR of Georgia. Yes, based on a colloquy that I will have with the gentleman from Virginia.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. MENENDEZ. Mr. Chairman, I accept that is what will happen. Would this amendment not, in essence, be legislating on an appropriations bill?

The CHAIRMAN. The Chair cannot rule on that at this point, because the amendment is already pending.

Mr. MENENDEZ. Mr. Chairman, can the Chair advise if the amendment is appropriately drafted for the purposes of pursuing this appropriations bill?

The CHAIRMAN. The Chair cannot respond to that as a parliamentary inquiry. The amendment is before us.

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

Mr. Chairman, it basically would be legislative in intent, if it is not actually legislation on an appropriations bill. I ask the gentleman from Georgia (Mr. BARR) if he would withdraw his amendment. It is 12:20 at night. Nobody has seen it.

Mr. Chairman, what we have offered to do is set up a meeting next week with NHTSA. The minority staff will be there. The majority staff will be there. The gentleman from Georgia (Mr. BARR) and the gentleman from Texas (Mr. SMITH) will be there. And we will sit down and see what we can do to work it out.

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

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

Mr. BARR of Georgia. Mr. Chairman, based on the fact that there may be something problematic in the language in that we are dealing here with fiscal year 1998–1999 appropriated funds, the rule that the administration is proposing, as I understand it, would go into effect next month. That is August of 1998. And while it certainly would be implemented over a period of time, it would clearly bring it into fiscal year 1999.

Therefore, I think that the amendment is appropriate. It is not legislating. It would simply be to stop appropriated funds for fiscal year 1999 from being used to continue to implement this rule, which will go into fiscal year 1999 in its implementation.

However, in light of that and in light of the assurances of the gentleman from Virginia, whom I certainly respect, and in light of the fact that the chairman of the Subcommittee on Immigration and Claims, the author of the original language, the gentleman from Texas (Mr. SMITH), will work with us next week in setting up a meeting with the National Highway Traffic Safety Administration to see if we can work out an agreement with them and, if not, thereafter propose a legislative remedy for this, I will at this time withdraw the amendment.

☐ 0020

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. Are there further amendments to the bill?

(Mr. BALDACCI asked and was given permission to revise and extend his remarks.)

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

Mr. Chairman, I rise for the purpose of supporting the transportation appropriations bill and also to enter into a colloquy with the ranking minority member.

Mr. Chairman, the committee's recommendation for the Federal Highway Administration's research program includes $15.2 million for research into high performance materials and bridge systems which could be applied to improve our Nation's infrastructure. This amount is $1.8 million less than the $17 million included in the Senate transportation bill.

The Senate bill also includes $1 million for wood composite research and $1 million for the University of Maine's Advanced Engineered Wood Composite Center. This is an exciting program that has yielded many innovations with wood composites and their applications to our country's transportation needs, from better bridges to lighter trucks.

When the House conferees meet with the Senate conferees on this bill, I ask the conferees' support for the Senate's provisions providing $2 million for this important research which will go a long way in making bridges of all kinds more economical.

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

Mr. BALDACCI. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I thank the distinguished gentleman from Maine for bringing this important issue before the House. I agree that we need to aggressively pursue new technologies that will make our transportation infrastructure safer, more economical and friendlier towards the environment.

As the House and Senate conferees meet, I assure the gentleman that as the ranking minority member of the subcommittee, I will certainly do all that I can to ensure that the funding for this important activity receives full consideration.

Mr. BALDACCI. I thank the gentleman for those comments and for his support.

The CHAIRMAN. Are there further amendments to the bill? The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 1999''.

Mr. SHUSTER. Mr. Chairman, some have argued that the TEA–21 highway and transit firewalls somehow have caused the appropriators to underfund other discretionary spending. This is false. The truth is that TEA–21 provided more, not less, funds for remaining discretionary appropriations.

First, all the increased spending for the highway and transit firewalls was fully reflected in the firewalls and fully offset by other, saving provisions in TEA–21.

Second, the current, overall discretionary spending caps were only adjusted downward by the amount of highway and transit spending provided in 1998.

In other words, existing discretionary spending was not reduced by the amount of firewall spending, but rather by the amount that the appropriators had previously provided for FY 1998.

Third, there is no longer any pressure on the existing discretionary spending caps to fund increased highway trust fund spending.

Without a doubt, if these new highway and transit firewalls had not been created, there would have been inordinate pressure within the existing caps to increase trust fund spending above fiscal year 1998 levels.

Fourth, because of differences in CBO's and OMB's scoring of the discretionary cap adjustments an extra $900 million of outlays was added to the appropriations Committee's 302 allocation for fiscal year 1999.

Over the next five years, the effect of this adjustment is between $4 and $5 billion.

The fact is that TEA–21 made more funds available for remaining discretionary programs. If certain non-firewall transportation programs remain underfunded, the cause is not TEA–21, but rather decisions by the appropriators to spend the money elsewhere.

Finally, the argument that other transportation programs are underfunded because the appropriators cannot reduce firewalled spending to increase other, general fund programs has already been rejected by the Congress and the President.

The sole purpose of the firewalls—which I remind my colleagues was a compromise from the House position of taking the highway trust fund off-budget—was to guarantee that future gasoline taxes are spent for their intended purposes.

TEA–21 settled for once and for all that this Congress will no longer continue the charade of masking the size of general fund spending through raiding the highway trust fund.

In conclusion, I compliment the appropriations committee for fully funding and complying with the highway and transit firewalls in TEA–21. Let us not confuse this good work with faulty arguments about the effect of the firewalls on remaining discretionary spending.

Mr. POSHARD. Mr. Chairman, I rise today in support of the FY99 Transportation Appropriations measure. This bill incorporates the funding levels agreed to in the Transportation Equity Act for the 21st Century (TEA–21) and will help ensure that our nation's roads and highways remain safe and that our transportation needs will be met into the next century. I am especially pleased with this legislation because it represents the fact that we will now be using our gas tax receipts for their intended purpose.

In addition, I applaud Chairman Wolf and Representative Sabo for including $609 million in the bill for assistance to Amtrak. Amtrak is of vital importance to my constituents and to countless Americans who rely on its service to this country, and continued funding for Amtrak will help these dedicated men and women retain their jobs.

As a member of the Transportation and Infrastructure Committee, I am acutely aware of the constant need to fund maintenance and construction projects in order to provide the safe, efficient, and high quality transportation services on which Americans have come to depend. I believe this bill will help us do that, and I urge my colleagues to join me in support of H.R. 4328.

Mr. FORBES. Mr. Chairman, and I want to thank the distinguished Subcommittee Chairman from Virginia for all the work he has done on this bill.

Mr. Chairman, in April of this year, two jetliners nearly collided over LaGuardia Airport in New York. Thousands of my constituents fly to and from LaGuardia each and every year. A subsequent investigation led the FAA to order a two-hour ''refresher'' training for their air traffic controllers, but I am concerned that this incident may only be the tip of the iceberg and may reflect similar problems at other airports around the nation.

Over the last 4 years the FAA has delayed, reduced or eliminated planned air traffic controller proficiency and operational training at many airports, including New York, Miami, Washington DC, Atlanta and Kansas City. Although the Congress has in the past fully funded the FAA request for safety training, the agency has for various reasons not fulfilled their own training plans.

In Fiscal Year 1996, Congress included report language in the Transportation Appropriations conference report that recognized this problem and urged the FAA to address the issue. However, over the last several fiscal years, the FAA has still not fully funded their own training plans. This lack of funding has led to a high number of operational errors among air traffic controllers where that refresher training has not taken place.

I am concerned that perhaps the Administration is not asking the Congress for sufficient funding to adequately address this training. With a growing number of new controllers, the FAA has identified its needs but the Administration has failed to include enough funding in its budget request to make up for the previous year's funding shortfall.

Mr. Chairman, it is my strong position that the Other Body's report language on this topic should be accepted during the House-Senate conference on this legislation. In my view the Senate report language will help make our skies safer for the traveling public.

Mr. SMITH of Oregon. Mr. Chairman, I would like to share with my colleagues a program that is very important to my district and to the State of Oregon. In the Department of Transportation and Related Agencies Appropriations Act, H.R. 4328, I requested $1.5 million be appropriated to the Oregon Department of Transportation for a joint effort with the Aviation Life Flight Network in Oregon. Although H.R. 4328 does not provide funds for this program, this is a very worthwhile program, and one that is worthy of congressional support.

Oregon's Aeronautics Section, in partnership with Life Flight Network, a consortium of Oregon Health Care Providers, proposes to establish global position systems (GPS) instrument and weather systems at rural airports throughout the State of Oregon. By using GPS navigation through mountain passes and rural areas, medical helicopters would be able to serve rural communities and remote areas during periods of inclement weather. My district, the Second District of Oregon, is very rural in nature and has weather extremes that sometimes make it difficult to evacuate people in medical emergencies. The $1.5 million I requested for this program would go a long way to alleviate these problems. In addition, local businesses would be able to use local facilities for corporate and business air passenger and air freight purposes.

I ask that the Conferees on the House/Senate Conference Report for H.R. 4328 fund the $1.5 million needed for this very important program.

Mr. DELAHUNT. Mr. Chairman, I rise tonight to express grave concern about what I believe to be devastating funding reductions for the U.S. Coast Guard in this bill.

In my view, the decision to cut $29 million from overall FY98 levels, and to shift assets away from some of its most essential missions, will jeopardize the Coast Guard's capacity to safeguard environmental resources and maritime safety. In this context, the additional $15 million reduction in the operating account would seriously impair the Coast Guard's marine conservation, fisheries law enforcement and search-and-rescue capabilities.

I am especially dismayed that these cuts were accompanied by an $33.8 million increase in funding for drug interdiction. While I strongly support efforts to intercept illegal narcotics, by land and sea, I was astonished to learn that this new commitment would come at the expense of long-established Coast Guard ice-breaking and fisheries management duties—through budget offsets totaling $20 million and $13.8 million, respectively.

The historical pattern is all too familiar. Between operational cutbacks and expanded responsibilities, coastal communities will—once again—start calculating the odds of Coast Guard personnel reductions, decreased hours at sea and station closings.

As I read this legislation, there are no provisions relieving the Coast Guard of responsibility for delivering fuel to the Air force in Antarctica, or for its patrols to protect endangered right whales. Nor do I see directives relating to the billions of dollars in damage prevented to private property—or to its most critical mission, search-and-rescue. In the last decade, the Coast Guard has responded to a half-million SOS calls, and saved nearly 45,000 lives in the process. These services are somehow supposed to continue, unimpeded by crippling cutbacks.

The Congress cannot expect to have it both ways. We must decide what level of service we desire, then determine how—not whether—to pay for it. The consequences are matters, quite literally, of life and death.

I appreciate the difficulties facing appropriators under current budget constraints, but the committee faced the same pressure while increasing overall Transportation Department funding by 11 percent. The FAA is slated for a four percent increase; the Federal Transit Administration will receive 11 percent more; Amtrak will increase by 12 percent, and National Highway Safety Administration will get an additional 38 percent.

I do not presume to question the merits of these activities, any more than I contest beefing up drug interdiction efforts. I do, however, object vigorously to do so by arbitrarily diverting resources from essential Coast Guard missions.

The Subcommittee Chairman, in remarks accompanying the Committee Report, makes an impassioned argument for strengthened interdiction on the seas. What he fails to discuss, however, is the full cost of these added burdens—in terms of foregone icebreaking, fisheries enforcement or rescues at sea.

This bill enriches Paul, without even considering the impact on Peter. In so doing, it unnecessarily and irresponsibly places at risk marine resources, private property and human life.

The CHAIRMAN. If there are no further amendments to the bill, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GILLMOR, 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. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 510, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on 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.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 25, not voting 18, as follows:

[Roll No. 355]

YEAS—391

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—25

Burr
Campbell
Chabot
Chenoweth
Crane
Graham
Hayworth
Herger
Hill
Hoekstra
Jones
Kasich
Kucinich
Moran (KS)
Paul
Royce
Salmon
Sanford
Schaffer, Bob
Sessions
Shadegg
Souder
Stearns
Stump
Wexler

NOT VOTING—18

Becerra
Cox
Dingell
Ewing
Fazio
Frank (MA)
Gonzalez
Hall (OH)
Harman
Johnson, Sam
LaTourette
McDade
Moakley
Murtha
Smith (OR)
Stark
Yates
Young (FL)

☐ 0042

Mr. JONES and Mr. KASICH changed their vote from ‘‘yea’’ to ‘‘nay.’’

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.