

HOUSE OF REPRESENTATIVES—Monday, July 13, 1987

The House met at 12 noon.

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

Our hearts are thankful, gracious God, for the gift of our heritage—for people of honor and great belief who were pioneers to this land and whose love of liberty helped create our beloved Nation. O God, may we be faithful in our day and time to the spiritual everlasting truths that have been our tradition and thus may we ever seek to do justice, to love mercy, and to walk humbly with You. This we pray. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

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

H.R. 317. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Merced River in California as a component of the National Wild and Scenic Rivers System.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 825) entitled "An act to amend and extend certain laws relating to housing, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PROXMIER, Mr. CRANSTON, Mr. RIEGLE, Mr. SARBANES, Mr. HEINZ, Mr. D'AMATO, and Mr. GRAMM to be the conferees on the part of the Senate.

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

S. 744. An act to authorize the Environmental Protection Agency to assist States in development of radon programs, to conduct a study to determine the extent to which radon in the Nation's schools poses a threat to children and employees in such schools, and for other purposes; and

S. 1198. An act to authorize a certificate of documentation for the vessel F/V *Creole*.

TESTIMONY OF LIEUTENANT COLONEL NORTH

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

Mr. LAGOMARSINO. Mr. Speaker, Mr. Arthur L. Starkey, USAF retired, a constituent of mine from Santa Barbara, has written to the Congress about Lieutenant Colonel North's appearance before the select committees. His letter expresses strong views both in support of Lieutenant Colonel North and in being critical of actions by the Congress. The letter is attached.

Lieutenant Colonel North has defended in an impressive manner his actions and those of the Reagan administration in attempting to improve United States relations with Iran, in seeking the return of American hostages in the Middle East, and in seeking to prevent the consolidation of another Communist totalitarian regime in our hemisphere.

From his testimony, it is easy to understand Lieutenant Colonel North's dedication to duty, his patriotism, and his understanding of the strategic interests of the United States.

Above all, the appearance of Lieutenant Colonel North has made evident, in a way that probably would not otherwise have been possible, the great division within the Congress over what U.S. policy in Central America should be and the constitutional conflict over which branch of Government has preeminent authority for American foreign policy.

I hope the result of Lieutenant Colonel North's appearance will be a change in the Congress toward a more bipartisan approach to U.S. policy in Central America and for U.S. foreign policy in general.

JULY 9, 1987.

OPEN LETTER TO CONGRESS

DEAR SIR: If Oliver North, Lt. Col. U.S.M.C., is guilty of anything, it's trying to do his job to the best of his ability. Is this wrong? No.

Most Vietnam Veterans who have any knowledge of the Communist theory, realize that it must be stopped wherever, whenever and however, if lying is necessary, so be it.

You, Members of Congress, sent us to Vietnam, Korea, and WWII of which I am a veteran of all three, along with sending us to fight these wars, you brainwashed us, time and again that the reasons for fighting these wars is to suppress Communism and aggression and now when a man (Lt. Col. Oliver North) fights (Communism) and tries to save American lives (hostages) with a

couple of dollars and a few lies, you want to crucify him.

You people lie and spend more money foolishly than anyone I have ever heard of, he who lives in a glass house shouldn't be so quick to throw stones.

Lt. Col. North is probably one of the few real men left in this country today and because he upsurged your authority, he's condemned by your standards, well I for one believe he just out did you and your jealous and that is petty in my eyes and not worthy of so called leaders of my country.

You politicians do more lying in 5 minutes than Lt. Col. North did in 2 years trying to run a covert activity which by its nature does not go by any rules.

You are discrediting this nation in the face of the enemy and the rest of the world and in my book that is an impeachment offense, if not treason as well.

How can you expect anyone of good caliber to volunteer their services to this country under the situations you present to them and the nation.

Lt. Col. North should be given a "well done", if he had succeeded in his efforts, you people would be jumping on the band wagon for some of the glory.

I'm sure this letter won't be read by anyone or read in Congress, because the truth might hit home and I don't believe any of you can stand up to the whole truth.

Lt. Col. North was following orders to the best of his ability, his superiors (ie) Admiral Poindexter and ultimately the CINC (President Reagan) must assume the blame for anything that went wrong with the operation that was surely sanctioned by them as the superior officers in charge.

I write this under my constitutional rights I have as an American citizen and as a Vietnam vet, Korea vet, WWII vet.

If this letter seems harsh, it's meant to be, I only wish I could use some good old G.I. slang to really put it into perspective. I am personally going to tell everyone I know to write Congress and express their sentiments.

I hope you get your acts together before this country goes down the tubes with the rest of the communist countries, gone because of your stupidity.

I am aware our nation is a nation of laws and they must not be broken but sometimes you fight fire with fire to keep it from spreading.

Stop the greed and power struggling and get back to basics before it is all lost.

I left intentionally the word Honorable off the heading because I don't feel your deserving of the title at this time.

I have never in almost 60 years been so angry, disappointed and ashamed with the leaders of my country as I am at this time.

Sincerely,

ARTHUR L. STARKEY, AA, AS, BS,
USAF, Retired,
Grand Jury Member 1987-88.
SANTA BARBARA, CA.

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

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

**LT. COL. OLIVER NORTH—
AMERICAN HERO**

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

Mr. DORNAN of California. Mr. Speaker, I am back. Six days ago something very peculiar happened on this House floor. There was a peculiar hissing that sounded like some snakes were loose in the House, and I know you come from that same part of the country as a certain Lieutenant Colonel North who has been watched around the world this week, and that you have sidewinders and rattlesnakes in your part of the country. I think I have devised a way to make you like St. Patrick, the man who clears this House of any future snakes. I found the code words to flush them out, and I will try it today and see if there are any left.

Oliver. North. Hero.

Not a hiss, Mr. Speaker. What an amazing difference 6 days can make. Oliver North, bona fide American hero, and not a hiss in the House of Representatives, as there was last week.

We do not get a chance to play St. Patrick, Mr. Speaker, but then I assumed that. The reason even some conservatives on our distinguished panel investigating matters of state these last few months, the reason some of the conservatives even gave up on Lieutenant Colonel North is only one reason, not that I know any more than they do, but I happen to be his personal friend, and I understand and always had faith, as I think I told my distinguished chairman, the gentleman from Florida, DANTE FASCELL of the Foreign Affairs Committee last December, that given a chance to speak out, this fine 43-year-old Marine officer who has dedicated 20 years of his life and 4 at Annapolis serving his country, that he would show this country what he was made of and why he was honorable. I now predict the same thing for my good friend, Adm. John Poindexter. I can hardly wait to hear from him.

A BIASED MEDIA

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

Mr. SWINDALL. Mr. Speaker, I think it is still premature to reach any firm conclusions with respect to the Iran-Contra hearings, except two. I do think that we can now firmly conclude that we have in the media in this country a situation that exists not only with respect to Oliver North, but probably with respect to many very important issues, and that is that by the time the relevant information gets down to the level of the people it has

been so biased and so skewed that it is very difficult for them to reach any type of informed conclusion.

I say that because last Monday morning before Oliver North testified the following day he had been indicted and convicted by the American media to the point that 70 percent of the American people said they could not and would not believe him. Yet after only 3 days of testimony the American people, hearing the news unfiltered by the media, came to a radically different conclusion.

The second point I think we can definitely conclude is this Congress must bear responsibility for the foreign policy in Central America through covert operations, because this Congress has refused systematically to deal with communism in Central America. The American people applaud Ollie North for one reason. They understand that he has identified the source of our problem in Central America, and it is communism, and he is willing to do something about it. His methodology may be questionable, but certainly he at least understands the threat.

I am reminded of John Kennedy's book, "While England Slept," where he chronicled what England did from World War I to World War II when Nazi Germany built up to be a force to be reckoned with. I would suspect Ollie North could very well write a similar book that read, "While America Slept."

THE IRAN-CONTRA HEARINGS

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

Mr. TRAFICANT. Mr. Speaker, I was indicted and convicted by the media once myself, and I can empathize with what Colonel North is going through. If you take a pit bull and throw him in a dog fight, he is going to fight. If you throw a rooster into a cock fight, he is going to kill. If you take a combat Marine and throw him into a covert war, he is going to follow orders.

Colonel North followed orders. We should not be handling him, we should send him home and give him a pat on the back, but we should not overlook the people behind the scenes that have taken a 200-year-old great document called the Constitution and reduced it to a piece of worthless toilet tissue.

□ 1210

Mr. Speaker, someone has to answer. Dwight Eisenhower warned this country to beware of a \$300 billion future far right military establishment that would set its own agenda and even turn its back on Congress and try to get public support to do that.

Congress has a job to do. Those people behind the scenes cannot use a hero yes, a hero like Colonel North, as a scapegoat.

Let us put this thing in perspective before we denigrate the basic freedoms that every American in this country has enjoyed for 200 years.

A REPORT FROM THE CONSTITUTIONAL CONVENTION OF JULY 13, 1787

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

Mr. GEKAS. Mr. Speaker, I am reporting to you today from the floor of the Constitutional Convention. It is now July 13, 1787, and the Founding Fathers are walking into the Chambers. Ben Franklin has just walked in. He is beginning to fan himself already. James Madison is beginning to take notes even before the first utterance has been made.

On this day, the committee that was supposed to determine how the Congress was to be represented in the future affairs of the country reported that there should be representation by population.

Today I saw Edmund Randolph stand up and give a tremendous speech and he said that if we are going to have representation, that it ought to be by populous, not by wealth.

So the question now arises, what are these delegates going to do with respect to the slaves that are still part of some of the States who are part of this Union to be?

We are reporting to you from Independence Hall and we are fast approaching the time when Ben Franklin, Edmund Randolph, James Madison, and Alexander Hamilton and the others are going to be striking the great compromise which will allow the States to be apportioned in population for the House and two Senators for the State of Pennsylvania.

I am reporting to you from 200 years ago, from today, July 13, 1787.

DEMOCRACY

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

Mr. COELHO. Mr. Speaker, I find it interesting that several of our colleagues have spoken in regards to Lt. Col. Oliver North. I think the jury is out as to what it is to believe or not to believe in regard to the Iran-Contra hearings.

There is nobody questioning Lt. Col. North's sincerity. Those will be determined by a trial at some point, I am sure.

The real issue here is that for 200 years we have struggled as a nation to preserve the very thing that we fought so hard for, democracy.

It is very difficult to preserve democracy. It is easy to move into a totalitarian form of government.

I suggest that some of the things we have been involved with in the last few months is the deterioration, deliberate it appears, by some of our highest ranking political figures, deterioration of that very thing that we are trying to celebrate this year, the 200th anniversary of our Constitution. That is the subject for the American people to decide.

HOUR OF MEETING ON WEDNESDAY, JULY 15, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, Tuesday, July 14, 1987, it adjourn to meet at noon on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CHANGE IN RANK OF MINORITY MEMBERS APPOINTED TO SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103 of House Resolution 26, and without objection the Chair announces a change in the rank of minority members appointed to the Select Committee on Hunger on February 2, 1987, as follows:

Mr. EMERSON of Missouri;
Mrs. ROUKEMA of New Jersey;
Mr. MORRISON of Washington;
Mr. GILMAN of New York;
Mr. ROBERT F. SMITH of New Hampshire;
Mr. BEREUTER of Nebraska;
Mr. UPTON of Michigan;
Mr. BROWN of Colorado; and
Mr. MOLINARI of New York.
There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
July 10, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:52 p.m. on Friday, July 10, 1987 and said to contain a message from the President on the Semiannual Report to the Congress on the Libyan Emergency.

With great respect, I am,
Sincerely yours,
DONALD K. ANDERSON,
Clerk, House of Representatives.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-90)

The SPEAKER pro tempore (Mr. KILDEE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and the Committee on Ways and Means, and ordered to be printed:

To the Congress of the United States:

1. I hereby report to the Congress on developments since my last report of January 21, 1987, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

2. As set forth in detail in my July 30, 1986, report, in Executive Order No. 12543, I prohibited, with effect from February 1, 1986: (1) the import into the United States from Libya, and (2) the export to Libya, of any goods or services; (3) transactions relating to transportation to or from Libya; (4) the purchase by U.S. persons of goods for export from Libya to any country; and (5) the performance by U.S. persons of any contract in support of an industrial or other commercial or governmental project in Libya. I further prohibited, with immediate effect: (6) the grant or extension of credits or loans by U.S. citizens or permanent resident aliens to Libya, or activities within Libya, other than for the purpose of: (a) effecting such persons' departure from Libya, (b) performing acts listed in items (1) through (5) above, prior to February 1, 1986, or (c) travel for journalistic activity by professional journalists. On January 8, 1986, in Executive Order No. 12544, I augmented the transactional prohibitions contained in Executive Order No. 12543 by ordering the immediate blocking of all property and interests in property of the Government of Libya (including the Central Bank of Libya and other government-controlled entities) then or thereafter located in the United States, or then or thereafter coming within the possession or control of U.S. persons, including their overseas branches.

3. Since my January 21, 1987, report, there have been no amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550, administered by the Office of Foreign Assets Control of the Department of the Treasury. Additionally, since January 21, 1987, there have been no amendments or changes to orders of the Department of Commerce or the Department of Transportation implementing aspects of Executive Order No. 12543 relating to exports from the United States and air transportation, respectively.

4. During the current 6-month period two licenses were issued to U.S. service contractors that were operating in Libya at the time the national emergency with respect to Libya was declared. Consistent with Administration policy, these licenses authorize the companies to sell assets in Libya only to Libyan-controlled entities. The extension of credit to Libyan purchasers was authorized in connection with the sales.

5. Also during the current 6-month period, several enforcement actions have been initiated for violations of the Libyan Sanctions Regulations. (a) On March 24, 1987, a Federal grand jury in Atlanta, Georgia, returned a five-count indictment charging a U.S. citizen with violations of the International Emergency Economic Powers Act and the Libyan Sanctions Regulations. The violations charged included engaging in unlicensed transactions with respect to travel to and from Libya and activities within Libya, as well as entering into an employment contract with a Libyan oil company to provide services as a pilot in Libya. (b) Another case involving travel to and from Libya and employment within Libya as a pipeline and tank system inspector was concluded by the United States Attorney's allowing the person involved to apply for a pre-trial diversion. The person was then ordered to perform community service in lieu of facing trial. (c) Three arrests have been made in a third case where petroleum equipment was allegedly transhipped from the United States to Libya through a European conduit.

6. The General Accounting Office, at the request of the Congress, recently completed a report assessing the effectiveness of the sanctions against Libya. In gathering information for the report, the GAO spoke to relevant officials at the Departments of the Treasury, Commerce, and State. The report, based on 1986 data, concludes that the Libyan sanctions have been successful in distancing the United States from contributing directly to the Libyan economy and virtually eliminating U.S. trade with Libya. In addition, foreign subsidiaries of U.S. firms, which are not required to comply with the restrictions, have decreased their Libyan business signifi-

cantly. However, the report indicates that the impact of the U.S. trade sanctions on Libya has been lessened by the extensive foreign availability of oil field equipment, services, and supplies, as well as the reluctance of third countries to adopt sanctions similar to those of the United States.

7. Litigation is pending in an English court, involving a claim by Libya against the London branch of Bankers Trust Company for failure to release to Libya blocked assets in New York and London. The United States Government is not a party to the litigation but is closely monitoring it. A trial on the merits of this case began on June 8, 1987, and is expected to continue until mid-July 1987.

8. The expenses incurred by the Federal Government in the 6-month period from January 21, 1987, through the present time that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at \$646,812. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State, the Department of Commerce, the Department of Justice, the Federal Reserve Board, and the National Security Council.

9. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

RONALD REAGAN.

THE WHITE HOUSE, July 10, 1987.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KILDEE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken on Tuesday, July 14, 1987.

H.R. 735

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Naturalization Amendments of 1987".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

SEC. 2. ADMINISTRATIVE NATURALIZATION.

Section 310 (8 U.S.C. 1421) is amended to read as follows:

"NATURALIZATION AUTHORITY

"SEC. 310. (a) AUTHORITY IN ATTORNEY GENERAL.—The sole authority to naturalize persons as citizens of the United States is conferred upon the Attorney General.

"(b) ADMINISTRATION OF OATHS.—An applicant for naturalization may choose to have the oath of allegiance under section 337(a) administered by the Attorney General or by any District Court of the United States for any State or by any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all courts herein specified to administer the oath of allegiance shall extend only to persons resident within the respective jurisdiction of such courts.

"(c) APPEAL TO BIA; JUDICIAL REVIEW.—A person whose application for naturalization under this title is denied, after a hearing before an immigration officer under section 336(a), may seek review of such denial before the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations). The decision of such Board is reviewable by the United States district court for the district in which such person resides in accordance with chapter 7 of title 5, United States Code.

"(d) SOLE PROCEDURE.—A person may only be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title and not otherwise."

SEC. 3. SUBSTITUTING 3 MONTHS RESIDENCE IN INS DISTRICT OR STATE FOR 6 MONTHS RESIDENCE IN A STATE.

Section 316(a)(1) (8 U.S.C. 1427(a)(1)) is amended by striking "and who has resided within the State in which the petitioner filed the petition for at least six months" and inserting "and who has resided within the State or within the district of the Service in the United States in which the applicant filed the application for at least three months".

SEC. 4. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO SECTION 310 REVISION.—(1) The item in the table of contents relating to section 310 is amended to read as follows:

"Sec. 310. Naturalization authority."

(2) Section 101(a)(36) (8 U.S.C. 1101(a)(36)) is amended by striking "(except as used in section 310(a) of title III)".

(b) CONFORMING AMENDMENTS TO CHANGE IN RESIDENCE REQUIREMENT.—(1) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (a), by striking "has resided within the State in which he filed his petition for at least six months" and inserting "has resided within the State or the district of the Service in the United States in

which the applicant filed his application for at least three months";

(B) in subsections (b) and (d), by striking "within the jurisdiction of the naturalization court" and inserting "in a State or a district of the Service in the United States", and

(C) in subsection (c), is amended by striking "within the jurisdiction of the court" and inserting "district of the Service in the United States".

(2) Section 322(c) (8 U.S.C. 1433(c)) is amended by striking "within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States".

(3) Section 324(a)(1) (8 U.S.C. 1435(a)(1)) is amended by inserting "or district of the Service in the United States" after "State".

(4) Section 328 (8 U.S.C. 1439) is amended—

(A) in subsection (a)—

- (i) by inserting "or district of the Service in the United States" after "State", and
- (ii) by striking "for at least six months" and inserting "for at least three months";

(B) in subsection (b)(1), by striking "within the jurisdiction of the court" and inserting "within a State or district of the Service in the United States"; and

(C) in subsection (c), by inserting "or district of the Service in the United States" after "State".

(5) Section 329(b) (8 U.S.C. 1440(b)) is amended—

(A) in paragraph (2)—

- (i) by inserting "or district of the Service in the United States" after "State", and
- (ii) by inserting "and" at the end of paragraph (2);

(B) by striking paragraph (3), and

(C) by redesignating paragraph (4) as paragraph (3).

(c) SUBSTITUTION OF APPLICATION FOR NATURALIZATION FOR PETITION FOR NATURALIZATION.—The text of the following provisions is amended by striking "a petition", "petition", "petitions", "a petitioner", "petitioner", "petitioner's", "petitioning", and "petitioned" each place it appears and inserting "an application", "application", "applications" or "applies" (as the case may be), "an applicant", "applicant", "applicant's", "applying", and "applied", respectively:

- (1) Section 313(c) (8 U.S.C. 1424(c)).
- (2) Section 316 (8 U.S.C. 1427).
- (3) Section 317 (8 U.S.C. 1428).
- (4) Section 318 (8 U.S.C. 1429).
- (5) Section 319(a) and (c) (8 U.S.C. 1430(a), (c)).

- (6) Section 322(a) (8 U.S.C. 1433).
- (7) Section 324 (8 U.S.C. 324(a)).
- (8) Section 325 (8 U.S.C. 1436).
- (9) Section 326 (8 U.S.C. 1437).
- (10) Section 328 (8 U.S.C. 1439).
- (11) Section 329 (8 U.S.C. 1440), other than subsection (d).

- (12) Section 330(a)(1) (8 U.S.C. 1441(a)(1)).

- (13) Section 331 (8 U.S.C. 1442), other than subsection (d).

- (14) Section 333(a) (8 U.S.C. 1444(a)).
- (15) Section 334 (8 U.S.C. 1445).
- (16) Section 335 (8 U.S.C. 1446).
- (17) Section 336 (8 U.S.C. 1447).
- (18) Section 337 (8 U.S.C. 1448).
- (19) Section 338 (8 U.S.C. 1449).
- (20) Section 344 (8 U.S.C. 1455).
- (21) Section 1429 of title 18, United States Code.

(d) SUBSTITUTING APPROPRIATE ADMINISTRATIVE AUTHORITY FOR NATURALIZATION COURT.—(1) Section 316 (8 U.S.C. 1427) is amended—

(A) in subsection (b), by striking "court" each place it appears and inserting "or the Attorney General";

(B) in subsection (b), by striking "date of final hearing" and inserting "date of any hearing under section 336(a)";

(C) in subsection (e), by striking "the court" and inserting "the Attorney General";

(D) in subsection (g)(1), by striking "within the jurisdiction of the court" and inserting "within a particular State or district of the Service in the United States", and

(E) in subsection (g)(2), by amending the first sentence to read as follows: "An applicant for naturalization under this subsection may be administered the oath of allegiance under section 337(a) by any district court of the United States, without regard to the residence of the applicant."

(2) The second sentence of section 317 (8 U.S.C. 1428) is amended by striking "and the naturalization court".

(3) The third sentence of section 318 (8 U.S.C. 1429) is amended—

(A) by striking "finally heard by a naturalization court" and inserting "considered by the Attorney General", and

(B) by striking "upon the naturalization court" and inserting "upon the Attorney General".

(4) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (b)(3), by striking "before the naturalization court" and inserting "before the Attorney General", and

(B) in subsection (c)(5), by striking "naturalization court" and inserting "Attorney General".

(5) Section 322(c)(2)(C) (8 U.S.C. 1433(c)(2)(C)) is amended by striking "naturalization court" the first place it appears and inserting "the Attorney General".

(6) Section 324 (8 U.S.C. 1435) is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1),

(ii) by striking the semicolon at the end of paragraph (2) and inserting a period, and

(iii) by striking paragraphs (3) and (4);

(B) in subsection (b), by striking "naturalization court" and inserting "Attorney General"; and

(C) in subsection (c)—

(i) in paragraph (2), by striking "the judge or clerk of a naturalization court" and inserting "the Attorney General or the judge or clerk of a court described in section 310(b)", and

(ii) in paragraph (3), by striking "or naturalization court" each place it appears and inserting "court, or the Attorney General".

(7) Section 327(a) (8 U.S.C. 1438(a)) is amended—

(A) by striking "any naturalization court specified in section 310(a) of this title" and inserting "the Attorney General or before a court described in section 310(b)"; and

(B) by inserting "and by the Attorney General to the Secretary of State" after "Department of Justice".

(8) Section 328(c) (8 U.S.C. 1439(c)) is amended by striking "the final hearing" and inserting "any hearing".

(9) Section 331(b) (8 U.S.C. 1442(b)) is amended by striking "called for a hearing" and all that follows through "to be continued" and inserting "considered or heard except after 90 days' notice to the Attorney General to be considered at the examination or hearing, and the Attorney General's objection to such consideration shall cause the application to be continued".

(10) Section 332(a) (8 U.S.C. 1443(a)) is amended—

(A) by striking "for the purpose" and all that follows through "naturalization courts" in the first sentence, and

(B) by striking the second sentence.

(11) Section 333(a) (8 U.S.C. 1444(a)) is amended by striking "clerk of the court" and inserting "Attorney General".

(12) Section 334 (8 U.S.C. 1445) is amended—

(A) by amending the heading to read as follows:

"APPLICATION FOR NATURALIZATION;
DECLARATION OF INTENTION";

(B) in subsection (a)—

(i) by striking "in the office of the clerk of a naturalization court" and inserting "with the Attorney General";

(ii) by striking "upon the hearing of such petition" and inserting "under this title";

(C) in subsection (b)—

(i) by striking "(1)",

(ii) by striking "and (2)" and all that follows through "Attorney General", and

(iii) by striking "petition for";

(D) by amending subsections (c) through (e) to read as follows:

"(c) Hearings under section 336(a) on applications for naturalization shall be held at regular intervals, to be fixed by the Attorney General.

"(d) Except as provided in subsection (e), an application for naturalization shall be filed in person in an office of the Attorney General.

"(e) A person may file an application for naturalization other than in the office of the Attorney General, and an oath of allegiance administered other than in a public ceremony before the Attorney General or a court, if the Attorney General determines that the person has an illness or other disability which—

"(1) is of a permanent nature and is sufficiently serious to prevent the person's personal appearance, or

"(2) is of a nature which so incapacitates the person as to prevent him from personally appearing."; and

(E) by striking the first sentence of subsection (f) and inserting the following: "An alien over 18 years of age who is residing in the United States pursuant to a lawful admission for permanent residence may file with the Attorney General a declaration of intention to become a citizen of the United States. Such a declaration shall be filed in duplicate and in a form prescribed by the Attorney General and shall be accompanied by an application prescribed and approved by the Attorney General."

(13) Section 335 (8 U.S.C. 1146) is amended—

(A) by amending the heading to read as follows:

"INVESTIGATION OF APPLICANTS; EXAMINATION
OF APPLICATIONS";

(B) in subsection (a), by striking "At any time" and all that follows through "336(a)" and inserting "Before a person may be naturalized";

(C) in subsection (b)—

(i) by striking "preliminary" each place it appears,

(ii) in the first sentence, by striking "to any naturalization court" and all that follows through "to such court",

(iii) by striking "any court exercising naturalization jurisdiction as specified in section 310 of this title" in the second sentence and inserting "any District Court of the United States"; and

(iv) by striking "final hearing conducted by a naturalization court designated in section 310 of this title" in the third sentence and inserting "hearing conducted by an immigration officer under section 336(a)";

(D) in subsection (c)—

(i) by striking "preliminary" each place it appears, and

(ii) by striking "recommendation" and inserting "determination"; and

(E) by amending subsections (d) through (f) to read as follows:

"(d) The employee designated to conduct any such examination shall submit to the Attorney General a determination as to whether the application be granted, denied, or continued, with reasons therefor.

"(e) After an application for naturalization has been filed with the Attorney General, the applicant shall not be permitted to withdraw his application, except with the consent of the Attorney General. In cases where the Attorney General does not consent to the withdrawal of the application, the application shall be determined on its merits and a final order determination made accordingly. In cases where the applicant fails to prosecute his application, the application shall be decided on the merits unless the Attorney General dismisses it for lack of prosecution.

"(f) An applicant for naturalization who moves from the district of the Service in the United States in which the application is pending may, at any time thereafter, request the Service to transfer the application to any district of the Service in the United States which may act on the application. The transfer shall not be made without the consent of the Attorney General. In the case of such a transfer, the proceedings on the application shall continue as though the application had originally been filed in the district of the Service to which the application is transferred."

(14) Section 336 (8 U.S.C. 1447) is amended—

(A) by amending the heading to read as follows:

"HEARINGS ON DENIALS OF APPLICATIONS FOR
NATURALIZATION";

(B) by amending subsections (a) and (b) to read as follows:

"(a) If, after an examination under section 335, an application for naturalization is denied or continued, the applicant may request a hearing before an immigration officer.

"(b) Where there has been a failure to make a determination under section 335 on an application or a failure to have a hearing under subsection (a) on a denial or continuance of an application, the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations) may, in its discretion, and shall, at the request of the applicant in extraordinary circumstances, require such a determination or hearing."

(C) in subsection (c), by striking "court" and inserting "immigration officer";

(D) in subsection (d)—

(i) by striking "clerk of the court" and all that follows through "naturalization" and inserting "immigration officer shall, if the applicant requests it at the time of filing the request for the hearing",

(ii) by striking "final" each place it appears, and

(iii) by adding at the end the following: "Such subpoenas may be enforced in the same manner as subpoenas under section 335(b) may be enforced."; and

(E) in subsection (e)—

(i) by striking "naturalization of any person," and inserting "administration by a court of the oath of allegiance under section 337(a)", and

(ii) by striking "included in the petition for naturalization of such persons" and inserting "included in an appropriate petition to the court".

(15) Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "in open court" and inserting "in a public ceremony before the Attorney General or a court with jurisdiction under section 310(b)",

(ii) in the second and fourth sentences, by striking "naturalization court" each place it appears and inserting "Attorney General", and

(iii) in the fourth sentence, by striking "the court" and inserting "the Attorney General";

(B) in subsection (b)—

(i) by striking "in open court in the court in which the petition for naturalization is made" and inserting "in the same public ceremony in which the oath of allegiance is administered", and

(ii) by striking "in the court";

(C) in subsection (c)—

(i) by striking "being in open court" and inserting "attending a public ceremony", and

(ii) by striking "a judge of the court at such place as may be designated by the court" and inserting "at such place as the Attorney General may designate under section 334(e)"; and

(D) by adding at the end the following new subsection:

"(d) The Attorney General shall prescribe rules and procedures to ensure that the public ceremonies conducted by the Attorney General for the administration of oaths of allegiance under this section are in keeping with the dignity of the occasion."

(16) Section 338 (8 U.S.C. 1449) is amended—

(A) by striking "by a naturalization court",

(B) by striking "the clerk of such court" and inserting "the Attorney General",

(C) by striking "title, venue, and location of the naturalization court" and inserting "location of the District office of the Service in which the application was filed and the title, authority, and location of the official or court administering the oath of allegiance",

(D) by striking "the court" and inserting "the Attorney General", and

(E) by striking "of the clerk of the naturalization court; and seal of the court" and inserting "of an immigration officer; and the seal of the Department of Justice".

(17) Section 339 (8 U.S.C. 1450) is amended to read as follows:

"FUNCTIONS AND DUTIES OF CLERKS AND RECORDS OF DECLARATIONS OF INTENTION AND APPLICATIONS FOR NATURALIZATION"

"Sec. 339. (a) The clerk of each court that administers oaths of allegiance under section 337 shall—

"(1) issue to each person to whom such an oath is administered a document evidencing that such an oath was administered,

"(2) forward to the Attorney General information concerning each person to whom such an oath is administered by the court, within 30 days after the close of the month in which the oath was administered,

"(3) make and keep on file evidence for each such document issued, and

"(4) forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of the court affecting or relating to the naturalization of persons as may be required from time to time by the Attorney General.

"(b) Each district office of the Service in the United States shall maintain, in chronological order, indexed, and consecutively numbered, as part of its permanent records, all declarations of intention and applications for naturalization filed with the office."

(18) Section 340 (8 U.S.C. 1451) is amended—

(A) in the first sentence of subsection (a), by striking "in any court specified in subsection (a) of section 310 of this title" and inserting "in any District Court of the United States",

(B) by amending the second sentence of subsection (h) to read as follows: "The clerk of the court shall transmit a copy of such order and judgment to the Attorney General."

(C) by striking the third sentence of subsection (h), and

(D) in subsection (j), by striking "any naturalization court" and all that follows through "to take such action" and inserting the following: "the Attorney General to correct, reopen, alter, modify, or vacate an order naturalizing the person".

(19) Section 344 (8 U.S.C. 1455) is amended—

(A) in subsection (a)—

(i) by striking "The clerk of the court" and inserting "The Attorney General",

(ii) in paragraph (1), by striking "final", and

(iii) in paragraph (1), by striking "the naturalization court" and inserting "the Attorney General";

(B) by striking subsections (c), (d), (e), and (f);

(C) in subsection (g)—

(i) by striking ", and all fees paid over to the Attorney General by clerks of courts under the provisions of this title," and

(ii) by striking "or by the clerks of the courts";

(D) in subsection (h)—

(i) by striking "no clerk of a United States court shall" and inserting "the Attorney General may not",

(ii) by striking ", and no clerk of any State court" and all that follows through "charged or collected", and

(iii) by striking the second sentence;

(E) in subsection (i), by striking "clerk of court", "from the clerk", "such clerk", and "by the clerk" and inserting "Attorney General", "from the Attorney General", "the Attorney General", and "by the Attorney General", respectively; and

(F) by redesignating subsections (g), (h), and (i) as subsections (c), (d), and (e), respectively.

(20) Section 348 (8 U.S.C. 1459) is amended—

(A) by striking subsections (b) and (c); and

(B) by striking "(a)" in subsection (a).

(e) **STRIKING MISCELLANEOUS MATERIAL.**—

(1) Section 311 (8 U.S.C. 1422) is amended by striking the second sentence.

(2) Section 316 (8 U.S.C. 1427) is amended by striking subsection (f).

(3) Section 329 (8 U.S.C. 1440) is amended by striking subsection (d).

(4) Section 330 (8 U.S.C. 1441(a)) is amended—

(A) by striking paragraphs (2) and (3) of subsection (a) and by striking "(a)(1)" in subsection (a), and

(B) by striking subsection (b).

(5) Section 331 (8 U.S.C. 1442) is amended by striking the second sentence of subsection (d).

(f) **CORRECTIONS OF TABLE OF CONTENTS.**—

(1) The items in the table of contents relating to sections 334 through 336 are amended to read as follows:

"Sec. 334. Application for naturalization; declaration of intention.

"Sec. 335. Investigation of applicants; examination of applications.

"Sec. 336. Hearings on denials of applications for naturalization."

(2) The item in the table of contents relating to section 339 is amended to read as follows:

"Sec. 339. Functions and duties of clerks and records of declarations of intention and applications for naturalization."

SEC. 5. EFFECTIVE DATES AND SAVINGS PROVISIONS.

(a) **EFFECTIVE DATE.**—

(1) **NO NEW COURT PETITIONS AFTER EFFECTIVE DATE.**—No court shall have jurisdiction, under section 310(a) of the Immigration and Nationality Act, to naturalize a person unless a petition for naturalization with respect to that person has been filed with the court before the effective date (as defined in paragraph (3)).

(2) **TREATMENT OF CURRENT COURT PETITIONS.**—

(A) **CONTINUATION OF CURRENT RULES.**—Except as provided in subparagraph (B), any petition for naturalization which may be pending in a court on the effective date shall be heard and determined in accordance with the requirements of law in effect when the petition was filed.

(B) **PERMITTING WITHDRAWAL AND CONSIDERATION OF APPLICATION UNDER NEW RULES.**—In the case of any petition for naturalization which may be pending in any court on the date of the enactment of this Act, the petitioner may withdraw such petition and have the petitioner's application for naturalization considered under the amendments made by this Act, but only if the petition is withdrawn not later than 3 months after the effective date.

(3) **EFFECTIVE DATE DEFINED.**—As used in this section, the term "effective date" means the first day of the fourth month beginning after the date of the enactment of this Act.

(4) **GENERAL EFFECTIVE DATE.**—Except as otherwise provided in this section, the amendments made by this Act are effective as of the date of the enactment of this Act.

(b) **INTERIM, FINAL REGULATIONS.**—The Attorney General shall prescribe regulations (on an interim, final basis or otherwise) to implement the amendments made by this Act on a timely basis.

(c) **CONTINUING DUTIES.**—The amendments to section 339 of the Immigration and Nationality Act (relating to functions and duties of clerks) shall not apply to functions and duties respecting petitions filed before the effective date.

(d) **GENERAL SAVINGS PROVISIONS.**—(1) Nothing contained in this Act, unless otherwise specifically provided, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certification of

citizenship, or other document or proceeding which is valid as of the effective date; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal, done or existing, as of the effective date.

(2) As to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the provisions of law repealed by this Act are, unless otherwise specifically provided, hereby continued in force and effect.

The SPEAKER pro tempore. Is a second demanded?

Mr. SWINDALL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes and the gentleman from Georgia [Mr. SWINDALL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

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

Mr. Speaker, H.R. 735 provides for administrative naturalization. The bill was unanimously reported from the Judiciary Committee on June 30, 1987. This is legislation identical to that which passed the House last Congress. Because of time constraints, the other body did not have occasion to act.

H.R. 735 vests authority for naturalization with the Attorney General, and combines a two-step process, involving the executive branch and the judiciary, into one process. Currently, the Immigration and Naturalization Service processes all applications for naturalization. This involves an investigation of the applicant and test on English language and U.S. History and Government. After an interview with the applicant, INS then makes a preliminary decision and recommends disposition to the court. Traditionally, however, the court's role is of a ceremonial nature and very rarely does it overturn an INS decision. In fact, only 64 applicants out of 245,000 were denied by the courts in fiscal year 1985.

H.R. 735 allows the INS to perform—also—the ceremonial aspects of naturalizations. However, in cases where the applicant may wish to have a court ceremony, that will be arranged.

In my 6 years as Immigration Subcommittee Chairman, this issue has been one of the most frequently addressed during the oversight process. Each year, the increased volume of applications for naturalization (1981—171,000 applications filed; 1985—306,000 applications filed) had led to more personnel and funding (fiscal

year 1984 an additional 140 positions and in fiscal year 1985 an additional 170 positions). In addition, new management techniques and computerization have been introduced to accommodate the workload. In 1981 legislation was enacted to reduce some of the paperwork requirements. But even with all these efforts, the system is unable to keep pace.

For instance, in some of the key cities, the total waiting period for naturalization can be as long as 2 years:

City	INS waiting time	Court waiting period
New York	4 months	3 months
Miami	7 months	12 months
Los Angeles	5 months	5 months
Newark	8 months	8 months
Houston	7 months	11 months

With passage of H.R. 735, many of these processing timeframes can be cut in half.

The only persons to benefit from this legislation are those who have already been found qualified for citizenship—they already have gone through the legal immigration process to qualify as permanent residents; they have waited the 5-year period before filing an application for citizenship; and they have already passed the English language test and exam on U.S. History and Government. They need only to be sworn in as citizens.

This legislation encourages those among us to become an integral part of the fabric of our society. U.S. citizenship is a prized possession, and many of these people desire with all their hearts to take on the responsibilities of this country.

By granting authority to the Attorney General to perform the entire process of citizenship, including the ceremonial aspects, the hurdles which an individual now encounters on the way to citizenship will be removed or at least lowered.

I urge the House to pass this very important bill.

□ 1225

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

Mr. Speaker, I support this Administrative Naturalization bill (H.R. 735) which develops an alternative administrative process for naturalization. Under this bill, immigration judges in addition to Federal and State judges will be allowed to conduct naturalization ceremonies. The purpose of the bill is to help reduce the heavy backlog in the naturalization process which some areas in the country continue to experience.

This legislation is identical to legislation passed by the House unanimously last year. It vests the authority of naturalization of individuals becoming U.S. citizens with the Attorney General. In addition, it streamlines the proc-

ess by allowing the Attorney General to adjudicate naturalization petitions.

Backlogs in the naturalization process have developed over a number of years due to an increased volume of applications. The two-branch, quasi-judicial process, has been an additional stumbling block. Paperwork trails in the executive branch and the judiciary make the road to citizenship a cumbersome and lengthy process. Currently, a person desiring citizenship files an application with the Immigration and Naturalization Service [INS]. After review of residence requirements and "good moral character" the applicant is interviewed on the third element of qualifying for naturalization and that is the test on English language and U.S. History and Government. Upon passage of the exam, the applicant must file a "petition" with the court and await a date for the ceremony for swearing-in. The total process can take as long as 2 years. This legislation will help alleviate these difficulties.

I might add that I have had the opportunity and privilege on a number of occasions to address naturalization ceremonies in my own district in Atlanta.

While it is a very beautiful ceremony, and one which I think is very beneficial and worthwhile, I can assure the gentleman from Kentucky [Mr. MAZZOLI] that in a comparison to waiting through the backlog for such a ceremony, that those individual immigrants that have passed all the necessary tests and prerequisites would much prefer to waive the particular format of that ceremony and get on with the business of becoming a U.S. citizen.

In addition, Mr. Speaker, the Congressional Budget Office estimates that enacting H.R. 735 would result in an annual savings to the Federal Government of approximately \$1.5 million. The bill passed unanimously in the Subcommittee on Immigration, Refugees and International Law and the full Judiciary Committee.

I urge my House colleagues to support this legislation.

In closing, I would say this is an opportunity not only to expedite and streamline the process, but save the American Government \$1.5 million.

Therefore, I would urge the Members on both sides of the aisle to pass this important measure.

Mr. Speaker, I submit for inclusion in the RECORD a letter dated June 30, 1987:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 30, 1987.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, U.S.
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 735, the Naturalization Amendments of 1987, as or-

dered reported by the House Committee on the Judiciary on June 30, 1987. CBO estimates that enacting H.R. 735 would result in an annual savings to the federal government of approximately \$1.5 million.

H.R. 735 would amend the Immigration and Nationality Act to streamline the naturalization process. Under current law, the Immigration and Naturalization Service [INS] reviews all naturalization applications and makes a recommendation to the U.S. District Courts. A district court judge makes the final decision and administers the oath of citizenship. H.R. 735 would empower the INS to make the final decision; the applicant would then have the option of being sworn in as a citizen by a judge or by an official of the INS. H.R. 735 would require the INS to provide ceremonies that are "in keeping with the dignity of the occasion." The bill would also grant special immigrant status for certain officers and employees of international organizations and their immediate family members.

CBO estimates that enacting H.R. 735 would result in a savings to the government by reducing administrative costs for the INS and the district courts. Under current law, the INS must prepare a petition that the district court judge then reviews. Enacting H.R. 735 would eliminate the need for this petition, because the final decision would rest with the INS. These savings would be partly offset by the cost to the INS of securing proper facilities for the naturalization ceremonies.

The INS estimates that roughly 30 percent of the applicants accepted for citizenship would choose to be sworn in by a district court judge. Using this figure, we estimate that the district courts would save approximately \$1.5 million and the INS would save approximately \$1 million on the processing of petitions, based on information provided by the INS. Additionally, the INS would require approximately \$1 million to rent facilities for the naturalization ceremonies. Therefore, the net savings to the federal government would be approximately \$1.5 million annually if H.R. 735 were enacted.

State or local governments would incur no significant costs if H.R. 735 were enacted.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

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

Mr. SWINDALL. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. FISH].

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

Mr. Speaker, I compliment Chairman RODINO on his introduction of this administrative naturalization legislation that we have before us today, identical to legislation that passed the House last year. It recently passed unanimously in the Subcommittee on Immigration, Refugees and International Law as well as in the full Judiciary Committee. I urge my colleagues to support this legislation today.

As you know, Mr. Speaker, this country has been experiencing backlogs in the naturalization process for a number of years. Individuals who have completed all steps in becoming U.S.

citizens must sometimes wait years for their final naturalization ceremony. The legislation that we have before us today will help alleviate these problems.

This bill streamlines the naturalization by allowing the Attorney General to adjudicate naturalization petitions. It also allows a naturalization applicant to have his swearing-in ceremony in State and Federal courts if he chooses. This legislation provides for administrative and judicial review of denied cases through the Board of Immigration Appeals and the district court.

Mr. Speaker, the Congressional Budget Office estimates that enacting H.R. 735 would result in a savings to the Government by reducing administrative costs for the INS and the district courts. State or local governments would incur no significant costs, if H.R. 735 were enacted.

Mr. Speaker, I understand the administration is in support of this legislation. I am hopeful that we will see it successfully passed by both Houses and signed into law this year.

Mr. SWINDALL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LUNGREN].

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

Mr. Speaker, I would like to take this opportunity to commend the gentleman from New Jersey [Mr. RODINO], the chairman of the Committee on the Judiciary, and the gentleman from Kentucky [Mr. MAZZOLI], the chairman of the subcommittee, and the ranking members of both the full committee and the subcommittee for moving this important piece of legislation.

As important as it is to this country, it is perhaps most important in my area of the country.

In fiscal year 1985, the last year for which figures are available, California led the Nation with over 70,000 persons who were naturalized. Yet at the same time my part of the country has been particularly afflicted by lengthy backlogs in the naturalization process.

There has been a lot of effort made by the INS to try and take care of that problem, and it is now taking an average of about 5 months just to receive a disposition by the court.

That is far better than it was several years ago, when it was over a 2-year period of time, but a lengthy period of time for one to complete the naturalization process when they have completed all other aspects of the process and are entitled to be citizens of the United States. It is something we ought to be concerned about.

It is particularly burdensome, I think, in periods of time when elections are coming up, and people who are on the verge of becoming citizens, have done everything they should to

become citizens, are interested in the political process enough to exercise their right as a citizen, and are denied that opportunity, because the court date was not available to them before the election.

It seems to me that many of us who have met these people who have become naturalized citizens recognize, for better or for worse, they take their citizenship more importantly and more seriously than those of us who have been born here. It is offensive to me to believe that those folks are denied the opportunity to express the most vital opportunity of citizenship; that is, voting, because of administrative delay.

Since the INS currently does almost all of the processing, and makes the relevant recommendations to the court anyway, judicial treatment of these cases is in most instances largely duplicative.

Administrative naturalization is therefore a most welcome legislative development. We have the opportunity to make some real headway in reducing unnecessary delays. In my area this reform in the procedures could cut this waiting period in half for those who choose to use it.

And I would like to emphasize that the use of these new procedures will indeed be a matter of choice. This legislation will in no way compromise the right of the applicant to choose the judicial forum for the naturalization ceremony if that is his or her desire.

It will not compromise the right of that applicant to choose the judicial forum for the naturalization ceremony.

It must be remembered that these are people who have already waited 5 years to even qualify to apply for citizenship. It is not consistent with what should be a meaningful experience to initiate these "would-be" citizens with further torturous bureaucratic delays.

The process of naturalization leads to the granting of a right that is envied by people throughout the world—the right to be called an American. By making these procedures more efficient the action we take here today can restore some of the dignity to that process and I ask you to join me in supporting H.R. 735.

Mr. SWINDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Speaker, the one aspect of this piece of legislation about which I was greatly worried has been largely dispelled by now; but I wanted for the record to emphasize that one of the greatest things about the induction ceremonies is the ceremony itself for new American citizens.

Nothing is more majestic than to see these new citizens raise their hands, and with their families gathered in the courtroom, take that final step to become American citizens.

If I had come to the conclusion that that kind of ceremony would be diminished in any way by this present legislation, I would not support it.

I would do everything I could to defeat it, but we were assured both by the language of the provisions entailed and by the assurances of all those who are involved, that that final great moment for each individual who becomes an American citizen and steps into the new world of democracy that our country symbolizes is preserved in this legislation, and we hope that it can pass unanimously.

Mr. SWINDALL. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Pennsylvania [Mr. GEKAS] is exactly correct. In fact, one of the results of this piece of legislation is to allow those individuals that do want to go through the normal process to go through it more expeditiously, because there are so many people on the waiting list that will opt for more expeditious proceedings that are nonjudicial.

Mr. RODINO. Mr. Speaker, H.R. 735 provides for administrative naturalization by conferring authority for determinations on citizenship on the Attorney General. It is identical to legislation which passed the House unanimously last Congress.

The legislation is desperately needed in the areas of the country where fully qualified applicants for naturalization must wait as long as 2 years for judicial ceremonies to be sworn in as U.S. citizens.

For those immigrants adopting this country, U.S. citizenship is a priceless possession. In return, our country is enriched with their contributions and each nationality and heritage is woven into rich tapestry of American society.

These people wish to enjoy the rights of this great land, the right to practice religion freely, the right to participate in a democratic form of government, the right of life, liberty, and the pursuit of happiness. Yet the present system does them an injustice. Due to lengthy delays in the naturalization process, they are being denied employment opportunities, travel, the ability to confer immigration benefits on relatives, and most importantly they are denied the right to vote.

The system has impediments including administrative and logistical problems and has not kept pace with the exponential increase in applications for citizenship. The number of applications for naturalization has increased from 171,000 in 1981 to 306,000 in 1985. In my State alone the waiting period can be as long as two years and there is a current backlog of 20,000 applicants.

Today's bifurcated system provides that the Immigration and Naturalization Service does virtually all the processing and preliminary determinations and then makes recommendations on the cases to the courts. The courts, however, have the role of final disposition in the manner of swearing in the applicant.

It is generally recognized that the role of the court is almost exclusively ceremonial and that the recommendations of the Attorney General are rarely over-turned by the court.

H.R. 735 will streamline this two-step burdensome process by allowing the Attorney General to make the determinations on citizenship and perform the swearing-in of applicants. The bill specifically requires the Attorney General ensure the public ceremonies involving citizenship are in keeping with the "dignity of the occasion." An applicant still has the option of being sworn in before a district or State court judge, if he doesn't mind the lengthy waiting period.

Appeals from decisions by the Immigration and Naturalization Service are available through the Board of Immigration Appeals and the District Court.

This legislation simply provides a more cost-effective, efficient manner of obtaining citizenship while relieving the applicant of onerous paperwork burdens.

It is imperative that the system welcome its citizens in a timely and orderly fashion and with the dignity they deserve. My bill will accomplish this goal.

I believe this legislation is essential and I urge my colleagues' support.

□ 1235

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

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and pass the bill, H.R. 735, as amended.

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

The title was amended so as to read "An Act to amend title III of the Immigration and Nationality Act to provide for administrative naturalization, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

SUPPORTING A CEASE-FIRE IN THE IRAN-IRAQ WAR AND A NEGOTIATED SOLUTION TO THE CONFLICT

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 216) to support a ceasefire in the Iran-Iraq war and a negotiated solution to the conflict, as amended.

The Clerk read the joint resolution as follows:

H.J. RES. 216

Whereas the conflict between Iran and Iraq has resulted in more than 400,000 fatalities on both sides, including tens of thousands of adolescents since its beginning in September 1980;

Whereas both sides have resorted to periodic attacks on the civilian population of the other country, including Iranian missile attacks on Baghdad and Iraqi Air Force bombing raids on Iranian population centers;

Whereas more than 75,000 prisoners of war are being held on both sides;

Whereas Iraq has resorted to the use of chemical weapons, in violation of its obligations under international law not to use such weapons;

Whereas attacks on neutral shipping in the Persian Gulf threaten to limit the access of the United States and its allies to oil supplies from the region;

Whereas Iranian troops continue to occupy Iraqi territory;

Whereas the possibility of a decisive Iranian breakthrough cannot be precluded as long as the war continues;

Whereas such a breakthrough would be destabilizing to a number of friendly countries in the region, which would be increasingly vulnerable as a result of an Iranian victory both to direct Iranian attacks and to Iranian sponsored subversion and terrorist activities;

Whereas a continuation of the conflict will inevitably lead to tens of thousands of additional casualties, including large numbers of civilians; and

Whereas the Iraqi Government has called for an immediate ceasefire and a negotiated solution to the conflict, including a withdrawal to the internationally recognized border: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSEQUENCES OF CONTINUATION OF IRAN-IRAQ WAR.

The Congress finds that continuation of the Iran-Iraq war—

(1) would produce unacceptable levels of death and destruction which would be incompatible with the humanitarian concerns and values of the American people; and

(2) could result in an Iranian breakthrough which would threaten the stability of the entire region and would not be in the strategic interests of the United States.

SEC. 2. SUPPORT FOR A CEASEFIRE AND A NEGOTIATED SOLUTION TO THE CONFLICT.

Accordingly, the policy of the United States Government shall be to support—

(1) a ceasefire and a negotiated solution to the Iran-Iraq conflict, including a withdrawal to the internationally recognized border, and

(2) the establishment of an international tribunal to investigate the origins of the conflict.

SEC. 3. INTERNATIONAL MEASURES IF NEGOTIATIONS AND CEASEFIRE REJECTED.

It is the sense of the Congress that if either party to the Iran-Iraq war rejects peace negotiations and an internationally sanctioned ceasefire, including a withdrawal to the internationally recognized border, the United States should support internationally approved political and economic measures against that country, and maintain existing limitations on trade.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in support of House Joint Resolution 216, to support a cease-fire in the Iran-Iraq war and a negotiated solution to the conflict.

Mr. Speaker, we have had numerous discussions and debates in the course of the last few weeks on the very important questions of security and stability in the Persian Gulf region and the appropriate role of the United States in the Persian Gulf. I think it is important to focus attention on the real consequences of the continuation of the war between Iran and Iraq. This 7-year war has resulted in a human tragedy of immense proportions and its continuation only further contributes to the instability in this vital region.

More than 400,000 casualties have resulted from this bloody conflict, many of them civilians and adolescents. More than 75,000 prisoners of war are being held. Iranian troops continue to occupy territory in Iraq. A continuation of this war will undoubtedly lead to many more thousands of casualties, including more innocent civilians.

This resolution places the emphasis on negotiating a resolution to this conflict and therefore calls on the parties to the conflict to come to the negotiating table in order to try to put an end to this long and costly war. The resolution is even-handed in condemning certain aspects of the conduct of this war by both parties. In addition, it calls on the Government of the United States to vigorously support a cease-fire and negotiated solution to this conflict, and the establishment of an international tribunal to investigate the origins of the conflict.

Finally, House Joint Resolution 216 expresses the sense of the Congress that if either party to the war rejects negotiations for a settlement and an internationally sanctioned cease-fire, the United States should support any internationally approved political and economic measures against that country.

Mr. Speaker, this resolution enjoys broad bipartisan support and is sup-

ported by the administration. I urge the adoption of this resolution.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, I want to express my appreciation to our very distinguished chairman for facilitating the consideration of this resolution in the Committee on Foreign Affairs and for bringing it to the floor today. This resolution in essence calls for a cease-fire and a negotiated solution to the conflict between Iran and Iraq, including a withdrawal by the forces of those countries to the internationally recognized boundary that separates Iraq from Iran. The resolution also calls for establishment of an international tribunal to investigate the origins of the conflict.

Finally, it expresses the sense of the Congress that if either party to this conflict rejects peace negotiations and an international sanctioned cease-fire, including a withdrawal to the internationally recognized border, that the United States should support internationally approved political and economic measures against that country.

Mr. Speaker, the war between Iraq and Iran has been going on for over 6 years now. During that period of time close to half a million people have been killed in one of the most brutal bloodlettings to take place on this planet since the end of the Second World War.

For humanitarian reasons alone our Nation would have a compelling interest in bringing this conflict to an end. But our stake in terminating hostilities between Iran and Iraq goes way beyond our very real humanitarian interests in bringing about a cessation of hostilities. If this conflict continues it could very easily escalate and spill over to involve other countries in the region. It is, in fact, entirely possible if the war continues that Iran could achieve a breakthrough and if it were to do so and were it in a position to terminate hostilities on terms favorable to Iran it could have potentially devastating consequences for the entire region.

An Iranian victory in the war against Iraq would shake moderate Arab regimes throughout the Middle East to their very foundations; it would probably spell the end of whatever slim chances may remain for a negotiated settlement of the conflict between Israel and its Arab neighbors. It would be a severe blow to Western interests in the region inasmuch as it would instantaneously legitimize the forces of Islamic fundamentalism in their most virulent incarnation. It may well be, Mr. Speaker, that there is little our Nation can do to bring this

war to an end. But we can speak up, we can speak out, we can go on record as we will be doing today, so at least posterity knows that the U.S. House of Representatives did what it could to call upon the combatants to agree to a cease-fire, withdraw to the international boundaries and agree to a negotiated settlement of the conflict. Far better for this war to be resolved at the negotiation table than on the battlefield.

So today we take a significant step by adopting this resolution in lending the full weight of the United States House of Representatives to the effort now underway by the administration and supported apparently by most of the other permanent members of the Security Council of the United Nations, calling upon Iran and Iraq at long last to agree to resolve their differences at the negotiating table rather than on the battlefield.

The bloodletting has gone on long enough. Almost half a million have been killed. Hundreds of thousands of others have been maimed and wounded and some crippled for life.

Enough is enough.

This resolution expresses the sense of the Congress that we believe these hostilities should be terminated and that, if necessary, if either of these countries refuses to agree to reason we are prepared to back up our position with political and economic internationally approved measures against them.

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

Mr. Speaker, I rise in support of the resolution, House Joint Resolution 216, to support a cease-fire in the Iran-Iraq war and a negotiated solution to the conflict.

Mr. Speaker, when this resolution was first introduced by the gentleman from New York [Mr. SOLARZ], the gentleman from New Jersey [Mr. TORRICELLI] and myself on March 30, 1987, there was little public awareness of the dangers the Iran-Iraq war posed to continuing destabilization in the entire region, which constitutes, in turn, a danger to the vital interests of the United States.

The United States had been trying to bring the Iran-Iraq war to an end through indirect means, such as Operation Staunch; and it took action to try to prevent the collapse of Iraq by helping to provide political support to Iraq's friends, such as Kuwait.

More action was needed, and the administration had, in late March, begun to outline the way forward that it has since taken—on the diplomatic front. This resolution supports the policy of the administration, to move in the United Nations for a cease-fire and negotiated solution, with withdrawal to internationally recognized borders. If either side refuses to negotiate, the

resolution and the current American initiative both contemplate the application of internationally approved sanctions against the recalcitrant party or parties. The fact is, however, that Iraq has already indicated that it would be willing to accept a cease-fire and withdrawal.

Mr. Speaker, if nothing else moves us, the millions of injuries, the nearly half-million fatalities in this senseless war cry out for a rational solution to it. I commend the efforts of our administration, over the years, in trying to bring this war to an end. I hope that the strong support that I am confident that this resolution will attract will help strengthen the administration's position in the United Nations and elsewhere in the diplomatic community as it continues to work for a peaceful resolution of this conflict.

Mr. Speaker, I yield the balance of my time to the distinguished ranking minority member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD].

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

Mr. Speaker, at the outset I want to indicate my strong support for this resolution and commend the gentleman from New York, Mr. SOLARZ, and Mr. GILMAN as well as Mr. TORRICELLI, the original sponsors, and join in support with the chairman of the full committee, Mr. FASCELL.

This resolution calling for a cease-fire and negotiated settlement of the Iran-Iraq war, as the gentleman from New York [Mr. SOLARZ] pointed out, this war has been going on for nearly 6 years. It is incredible. The United States must continue to work to bring a just and lasting peaceful resolution to this bloody conflict that has claimed nearly half a million lives.

The war between Iran and Iraq threatens to destabilize the entire Persian Gulf region. The ever-present risk of an expanded regional war threatens the interests of the United States and friendly nations in the region, demands that we renew efforts to achieve a settlement of the conflict. The resolution supports the ongoing diplomatic efforts of the United States to achieve peace in the region. The United States has held many discussions on a bilateral basis with the countries of the region and has initiated discussions among the permanent members of the U.N. Security Council.

I would like to say at that point I certainly hope the United Nations does something in that regard. It is an opportunity to show that they really can operate up there.

A cease-fire between Iran and Iraq coupled with a mutual withdrawal to internationally recognized borders as called for by this resolution would be an important first step toward a stable peace in the Persian Gulf.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania is recognized for 2 minutes.

There was no objection.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the comments made thus far by all the speakers on this particular subject. I just wanted to add to the record the impression that I have and I think that the public should have and that is that reflagging that the President has ordered here is not inconsistent with the objective of this resolution and, as a matter of fact, the directive for the reflagging was couched in a lot of the language that we are employing here today and the accompanying resolution in the Security Council of the United Nations is proof positive of that.

So while the President orders reflagging, he is unflagging in his support for a diplomatic political and geopolitical United Nations solution to this fracas.

Mr. SOLARZ. Mr. Speaker, will the gentleman from Michigan yield?

Mr. BROOMFIELD. I yield to the gentleman from New York, the chairman of the subcommittee.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, I agree with the gentleman from Pennsylvania that the President is very much committed to a peaceful and negotiated settlement of the conflict between Iran and Iraq. Indeed, the administration strongly supports this resolution which in turn is consistent with the resolution the administration is seeking to get the approval of the security council for in the United Nations up in New York. Insofar as the reflagging is concerned, I agree with the gentleman that this resolution is in no way inconsistent with the reflagging. But the truth is whether you are for the reflagging. But the truth is whether you are for the reflagging or against the reflagging, you can still be for this resolution. In fact, if this resolution is adopted and it led in some way to end of the war there would be no need for the reflagging and I imagine the Kuwaitis would ask for their ships back and the issue would fade away.

So nobody need to be concerned that a vote for this resolution or the adoption of this resolution is inconsistent with our policy to reflag; it neither supports it nor opposes it.

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

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

Mr. GALLO. Mr. Speaker, I rise today in strong support of efforts to gain a cease-fire in the Iran-Iraq war and a negotiated solution to the conflict.

Seven years ago the conflict between Iran and Iraq began and now fatalities on both sides are reported to be in excess of 400,000 people.

This conflict has now expanded beyond the territory of the belligerents and has included attacks on the ships of neutral countries, including our own and those of our allies. If this conflict is permitted to go unchecked I believe that in addition to the major problem of the loss of life it will disrupt the economy of the free world.

Throughout history, the United States has always strived to use its influence in the world community to help bring about peace in various regions of the world. It is time that the United States made a strong statement to both Iran and Iraq that this terrible conflict should end.

As members of the international community we should do everything possible to bring the leaders of both Iran and Iraq to the negotiating table. An internationally sanctioned cease-fire would be a first step toward a negotiated peace settlement.

I want to send a message to the President that Congress would support efforts undertaken by the executive branch to promote a cease-fire.

I want to send a message to Iran and Iraq, and to all other countries that might be tempted to use this war to satisfy their own ends, that the United States will do all in its power to obtain peace in the Middle East.

This war must be brought to a swift conclusion for the sake of the entire world and, most especially, for the young men, women, and innocent civilian populations of both countries who are at grave risk every day.

I think that it is the duty of Congress to do all in our power to see that this conflict ends with all possible speed.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and pass the joint resolution, H.J. Res. 216, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the joint resolution just passed.

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

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1988

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 221 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 221

Resolved, That all points or order for failure to comply with the provisions of section 302(c) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177) and with the provisions of clause 2(1)(6) of rule XI and clause 7 of rule XXI are hereby waived against the consideration of the bill (H.R. 2890) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1988, and for other purposes. During the consideration of the bill, all points of order against the following provisions of the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 4 through page 3, line 22; beginning on page 5, line 4 through page 6, line 22; beginning on page 7, lines 6 through 20; beginning on page 9, line 12 through page 13, line 11; beginning on page 18, lines 11 through 18; beginning on page 19, lines 1 through 6; beginning on page 20, line 11 through page 22, line 16; beginning on page 24, line 2 through page 25, line 18; beginning on page 25, line 22 through page 29, line 14; beginning on page 33, line 11 through page 34, line 5; beginning on page 34, line 19 through page 35, line 3; beginning on page 35, line 19 through page 36, line 23; beginning on page 39, lines 18 through 24; beginning on page 40, line 9 through page 43, line 22; beginning on page 44, lines 6 through 22; beginning on page 45, line 1 through page 48, line 19; beginning on page 49, line 3 through page 50, line 11; and beginning on page 50, line 17 through page 51, line 16. It shall be in order to consider the amendment printed in section 2 of this resolution, by and if offered by Representative Durbin of Illinois, said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provision of clause 2 of rule XXI are hereby waived.

Sec. 2. At the end of the bill, add the following new section:

Sec. . (a) None of the funds appropriated by this Act to the Secretary of Transportation for airport development under the Airport and Airway Improvement Act of 1982 may be made available for airport development or airport planning at any airport which after the ninetieth day following the date of the enactment of this Act permits any air carrier to provide scheduled air transportation between such airport and any other airport with an aircraft (1) which in providing such transportation is scheduled to be in the air two hours or less, and (2) on which smoking will be permitted

while such aircraft is being used to provide such transportation.

"(b) As used in this section—

"(1) the terms 'air carrier' and 'airport' have the meaning such terms have under section 101 of the Federal Aviation Act of 1958; and

"(2) the term 'air transportation' means intrastate air transportation, interstate air transportation, overseas air transportation, and foreign air transportation, as such terms as defined under such section."

□ 1250

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

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, because appropriation bills are privileged under the rules of the House this rule merely provides waivers of points of order against H.R. 2890, the Department of Transportation and related agencies appropriation bill for fiscal year 1988, and against an amendment to that bill. As is customary with appropriation bills, the debate time will be determined by a unanimous consent request made by the manager of the bill before the bill is considered.

The rule waives section 302(c) of the Congressional Budget Act against consideration of H.R. 2890. Section 302(c) prohibits consideration of a spending bill unless the committee reporting that bill has filed the subdivision of budget allocations required by section 302(b) of the Budget Act. This waiver was provided because the 302(a) budget allocation, which is the basis for the committee subdivisions was only filed in July 1, and when this rule was reported the Appropriations Committee has not yet been able to report its subdivision.

The rule also waives clause 2(1)(6) of rule XI and clause 7 of rule XXI against consideration of H.R. 2890. Clause 2(1)(6) prohibits consideration of a bill unless copies of the committee report on that legislation has been available for at least 3 days. Clause 7 of rule XXI requires that copies of committee hearings on a general appropriation bill be available for 3 days before consideration of that bill. These waivers are provided to ensure that any delay in the availability of these materials would not prevent the House from moving ahead with consideration of H.R. 2890.

The rule also waives clause 2 of rule XXI against specified provisions of H.R. 2890. Clause 2 of rule XXI prohibits unauthorized appropriations or legislative provisions in a general appropriation bill. This waiver is necessary because the authorizations for some of the programs funded by this bill have not yet been enacted and be-

cause some of the provisions in the bill are legislative in nature. The specific provisions of H.R. 2890 which are protected from the points of order under clause 2 of rule XXI are detailed by page and line number in the rule we are considering.

In addition, the rule waives clause 2 of rule XXI against an amendment printed in section 2 of this resolution, to be offered by Representative DURBIN of Illinois. This waiver is necessary because the amendment could be construed as legislative in nature. The Rule provides that debate on the Durbin amendment shall be limited to 1 hour, with the time evenly divided and controlled by Representative DURBIN and an opponent of the amendment.

Mr. Speaker, H.R. 2890 appropriates \$11.1 billion in new budget authority for fiscal year 1988 for the Department of Transportation and related agencies. It also includes obligation limitations on the Highway Trust Fund and the Airport and Airway Trust Fund that would allow spending of \$15.7 billion from those trust funds.

House Resolution 221 is a straightforward rule which will allow full and open consideration of this important legislation. I urge the adoption of the resolution.

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

Mr. Speaker, I congratulate the gentleman from Massachusetts [Mr. MOAKLEY] on the fine job he did in explaining the rule.

Mr. Speaker, this is an unusual rule and the Rules Committee did something that they very seldom do. Despite the fact that the Appropriations Subcommittee opposed an amendment, despite the fact that the main Appropriations Committee, and the chairman of the Committee on Public Works and Transportation opposed the amendment, the Rules Committee made it in order. I think that is a slap in the face to the two committees. Historically, the Rules Committee listens to the chairman of the full legislative committee when legislation on an appropriation bill is brought before the Rules Committee.

The amendment I mentioned is the Durbin amendment which prohibits smoking on airline flights of 2 hours or less. The chairman of the Committee on Public Works and Transportation opposed the amendment. By a vote in the Appropriations Subcommittee it was voted down, and I think this is not the way to bring legislation to the floor of the House.

I offered an amendment in the Rules Committee prohibiting this amendment from being offered and by a recorded vote my amendment lost. The Durbin amendment will be debated on the floor of the House, and I am sure that a vote will be requested on

the amendment. I urge Members to vote against the Durbin amendment and support the chairman of the Committee on Public Works and Transportation. This is absolutely an infringement on individual rights to prohibit smoking on airplanes, in commercial travel that goes for less than 2 hours. When people travel, as I do, sometimes there are great delays, layovers, and changes of planes. While each individual flight may last a little less than 2 hours, overall flight time sometimes may be as long as 4 hours or more. I am not a smoker myself. I have never smoked in my life, but I protect the people who desire to do so. Their right is the right of any individuals to do what they would like to do, and it is not up to this Congress to pass that amendment to say that they cannot smoke when, as I understand it, the FAA permits the rules to be changed for the benefits of the pilots.

We have heard about fire on aircraft. Sure, there are hazards anywhere, but they are so small. When the no-smoking sign is on, people do not smoke and they are cautioned not to smoke in the rests rooms. I do not see any hazard whatsoever.

I think this amendment is supported by those who are out to destroy the tobacco industry and its freedom of choice, the freedom of the individual to do as he would like to do, whether he wants to smoke or whether he does not. I believe the amendment should be defeated.

We know that the Transportation appropriation bill is important. Many items in this should be passed and become law.

I shall ask for a vote on the rule.

Mr. Speaker, I have no requests for time and I reserve the balance of my time.

□ 1305

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 118, not voting 117, as follows:

[Roll No. 254]

YEAS—198

Akaka	Gonzalez	Nowak
Anderson	Gordon	Oakar
Andrews	Grant	Oberstar
Annunzio	Gray (IL)	Obey
Anthony	Gray (PA)	Ortiz
Applegate	Green	Owens (UT)
Atkins	Guarini	Panetta
Bellenson	Hall (OH)	Parris
Bennett	Hamilton	Patterson
Bereuter	Hansen	Pease
Berman	Harris	Penny
Bevill	Hayes (IL)	Pepper
Bilbray	Hochbrueckner	Perkins
Boggs	Hoyer	Pickett
Boland	Hughes	Pickle
Boner (TN)	Hutto	Price (IL)
Borski	Jacobs	Price (NC)
Boucher	Jenkins	Pursell
Brooks	Johnson (CT)	Rahall
Bruce	Johnson (SD)	Rangel
Campbell	Jones (NC)	Ravenel
Carr	Jontz	Regula
Chapman	Kanjorski	Richardson
Clarke	Kastenmeier	Roth
Coelho	Kennedy	Roybal
Coleman (TX)	Kennelly	Russo
Collins	Kildee	Sabo
Conte	Kolter	Saiki
Cooper	LaFalce	Sawyer
Coughlin	Lancaster	Sharp
Coyne	Lehman (FL)	Sikorski
Davis (MI)	Leland	Sisisky
de la Garza	Levin (MI)	Skaggs
DeFazio	Levine (CA)	Skeen
Derrick	Lewis (GA)	Slattery
Dicks	Lipinski	Slaughter (NY)
Dingell	Lowry (WA)	Smith (IA)
Donnelly	Lujan	Smith (NE)
Dorgan (ND)	Luken, Thomas	Smith (NJ)
Dornan (CA)	MacKay	Solarz
Dowdy	Markey	Spratt
Downey	Martinez	Stark
Duncan	Matsui	Stenholm
Durbin	Mavroules	Stokes
Dwyer	Mazzoli	Stratton
Dymally	McCloskey	Swift
Dyson	McCurdy	Synar
Early	McDade	Torres
Eckart	McHugh	Towns
Erdreich	McMillen (MD)	Trafficant
Evans	Meyers	Traxler
Fascell	Mfume	Vento
Fawell	Mica	Visclosky
Fazio	Miller (CA)	Watkins
Feighan	Mineta	Waxman
Fish	Moakley	Wheat
Flippo	Mollohan	Whittaker
Foley	Montgomery	Whitten
Ford (TN)	Moody	Williams
Frank	Morella	Wise
Garcia	Mrazek	Wolf
Gaydos	Murtha	Wolpe
Gejdenson	Nagle	Wyden
Gibbons	Natcher	Yates
Gilman	Nelson	Yatron
Glickman	Nichols	Young (FL)

NAYS—118

Archer	DeWine	Hunter
Aspin	Dickinson	Inhofe
Ballenger	Dreier	Ireland
Barnard	Emerson	Kasich
Bartlett	Fields	Kolbe
Bateman	Frenzel	Konnyu
Billirakis	Gallely	Kyl
Boehlert	Gallo	Lagomarsino
Broomfield	Gekas	Leach (IA)
Brown (CO)	Gingrich	Leath (TX)
Buechner	Gradison	Lewis (CA)
Bunning	Gregg	Lewis (FL)
Burton	Gunderson	Lightfoot
Callahan	Hammerschmidt	Lungren
Chandler	Hastert	Mack
Cheney	Hefley	Madigan
Coble	Hefner	Marlenee
Coleman (MO)	Henry	Martin (IL)
Courter	Herger	McCollum
Crane	Hiler	McGrath
Daniel	Holloway	McMillan (NC)
Dannemeyer	Hopkins	Miller (OH)
Darden	Houghton	Miller (WA)
Davis (IL)	Hubbard	Molinari

Moorhead	Schaefer	Solomon
Morrison (WA)	Schneider	Spence
Neal	Schroeder	Stangeland
Olin	Schuette	Stump
Packard	Schulze	Sundquist
Pashayan	Sensenbrenner	Sweeney
Petri	Shumway	Swindall
Porter	Shuster	Tauke
Quillen	Slaughter (VA)	Thomas (CA)
Rhodes	Smith (TX)	Upton
Roberts	Smith, Denny	Valentine
Robinson	(OR)	Vander Jagt
Rogers	Smith, Robert	Vucanovich
Rose	(NH)	Walker
Roukema	Smith, Robert	Weber
Rowland (CT)	(OR)	
Saxton	Snowe	

NOT VOTING—117

Ackerman	Espy	Murphy
Alexander	Flake	Myers
Army	Florio	Nielson
AuCoin	Foglietta	Owens (NY)
Badham	Ford (MI)	Oxley
Baker	Frost	Pelosi
Barton	Gephardt	Ray
Bates	Goodling	Ridge
Bentley	Grandy	Rinaldo
Biaggi	Hall (TX)	Ritter
Bliley	Hatcher	Rodino
Bonior (MI)	Hawkins	Roe
Bonker	Hayes (LA)	Roemer
Bosco	Hertel	Rostenkowski
Boulter	Horton	Rowland (GA)
Boxer	Howard	Savage
Brennan	Huckaby	Scheuer
Brown (CA)	Hyde	Schumer
Bryant	Jeffords	Shaw
Bustamante	Jones (TN)	Skelton
Byron	Kaptur	Smith (FL)
Cardin	Kemp	St Germain
Carper	Klecza	Staggers
Chappell	Kostmayer	Stallings
Clay	Lantos	Studds
Clinger	Latta	Tallon
Coats	Lehman (CA)	Tauzin
Combust	Lent	Taylor
Conyers	Livingston	Thomas (GA)
Craig	Lloyd	Torricelli
Crockett	Lott	Udall
Daub	Lowery (CA)	Volkmer
DeLay	Lukens, Donald	Walgren
DeLums	Manton	Weiss
DioGuardi	Martin (NY)	Weldon
Dixon	McCandless	Weiss
Edwards (CA)	McEwen	Wortley
Edwards (OK)	Michel	Wylie
English	Morrison (CT)	Young (AK)

□ 1320

The Clerk announced the following pairs:

On this vote:

Mr. Hawkins for, with Mr. Boulter against.

Mr. Florio for, with Mr. Craig against.

Mr. Daub for, with Mr. Taylor against.

Mr. ROBINSON and Miss SCHNEIDER changed their votes from "yea" to "nay."

Mr. TORRES and Mr. WHITTAKER changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 221, the resolution just passed.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the re-

quest of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2890, and that I may be permitted to include tables, charts, and other extraneous matter.

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

There was no objection.

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2890, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1988, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that the general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. COUGHLIN] and myself.

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

There was no objection.

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

The motion was agreed to.

□ 1331

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. 2890, with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

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

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

□ 1330

Mr. LEHMAN of Florida. Mr. Chairman, we submit for your consideration and for the consideration of the Committee of the Whole the bill, H.R. 2890, making appropriations for the Department of Transportation and related agencies for fiscal year 1988.

Before I get into the details of this particular bill, I first want to express

my appreciation to the Members who serve on the transportation appropriations subcommittee. The gentleman from Pennsylvania [Mr. GRAY], the gentleman from Michigan [Mr. CARR], the gentleman from Illinois [Mr. DURBIN], the gentleman from New York [Mr. MRAZEK], and the gentleman from Minnesota [Mr. SABO] all provided insight and perspective during the 3-month indepth review we gave to Federal transportation programs and policies during our hearing process. It is a real pleasure to serve with them.

The subcommittee minority members have been equally diligent. They never made enough adjectives to describe the gentleman from Massachusetts [Mr. CONTE], and the gentleman from Virginia [Mr. WOLF], and the gentleman from Texas [Mr. DELAY] are also to be commended for the spirit of cooperation they have displayed and the commitment they have shown to developing a safe and effective transportation system for this Nation.

I want to make special mention of the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN], who has spent long hours in committee hearings and has displayed a broad knowledge of our transportation programs and policies. I pay tribute to his knowledge, dedication, and character, and I want him to know of my great appreciation for his sound judgment and cooperation. He is a special friend. As in past years, we have tried to work as a team on this bill, rather than on a partisan basis. And I think that has been to the benefit of this country.

I must also recognize the major contribution of our staff who have worked long and hard to develop a reasonable bill within extraordinary constraints.

Mr. Chairman, in preparation for this bill the committee developed a hearing record contained in seven volumes amounting to 6,759 pages. Testimony was received from more than 250 witnesses including 39 Members of this body.

The committee, I believe, has carefully reviewed the programs of the Department of Transportation and related agencies, and is recommending what we consider to be sufficient funds in light of current budgetary constraints to enable these agencies to help meet the requirements of our Nation's transportation system.

SUMMARY OF THE BILL

Mr. Chairman, the bill before you provides for total spending on Federal transportation programs of about \$26.845 billion—of which approximately \$11.104 billion is new budget authority and \$15.741 billion is comprised of various limitations on contract authority obligations.

In addition, the bill appropriates \$15.738 billion to liquidate contract authorizations.

Mr. Chairman, in terms of new budget authority, the bill is \$722.1 million, about 7 percent, above the amount provided for similar activities in fiscal year 1987.

BUDGET RESOLUTION TARGET

I think the Members would also be interested to know that this bill is about \$35 million under our section 302(b) allocation for budget authority and is also \$142 million under our outlay allocation. With regard to just discretionary authority, we are \$30 million below our section 302(b) budget authority allocation and \$189 million below our outlay allocation. As the Members know, under the Budget Act, the Budget Committee provides a lump sum allocations to the Appropriations Committee pursuant to section 302(a), and the Appropriations Committee then subdivides that among its 13 subcommittees. Our target for discretionary budget authority that was provided to us by the Committee on Appropriations is \$10.685 billion and we are within that amount.

SELECTED MAJOR RECOMMENDATIONS

With respect to the major recommendations in this bill, I would call the attention of the Members to pages 2 and 3 of the report. A table comparing the bill to fiscal year 1987 and the President's request appears beginning on page 138 of the report. The major bill highlights are as follows:

First, the appropriation of \$3.258 billion for operations of the Federal Aviation Administration, an increase of \$474.55 million over the fiscal year 1987 level;

Second, a general provision requiring by September 30, 1988, a minimum air traffic controller work force of 15,900 controllers, including 12,250 operational controllers and 10,350 full performance controllers;

Third, a provision providing for obligations of not to exceed \$12.5 billion for federal-aid highways;

Fourth, the appropriation of \$1.849 billion for operating expenses of the Coast Guard;

Fifth, a continuation of funding for the existing urban mass transportation formula grant program at a level of \$1.965 billion, including \$100 million in section 9(B) funds;

Sixth, the appropriation of \$614 million for grants to the National Railroad Passenger Corporation [Amtrak];

Seventh, a provision providing for obligations of not to exceed \$1.72 billion for airport development and planning grants;

Eighth, the appropriation of \$1.17 billion for facilities and equipment of the Federal Aviation Administration;

Ninth, a provision providing for obligations of not to exceed \$1.1 billion for

the discretionary grants program of the Urban Mass Transportation Administration, excluding funding for section 9(B) formula grants;

Tenth, the appropriation of \$161.5 million for the research engineering, and developing activities of the Federal Aviation Administration—an increase of approximately 8 percent over fiscal year 1987;

Eleventh, a continuation of funding for the construction of the Washington, DC metroraill system at the fiscal year 1987 level of \$201 million, and

Twelfth, a major air safety provision withholding 5 percent of Office of the Secretary, salaries and expenses appropriation until final rules are issued concerning first, flight recorders and cockpit voice recorders in commuter air carrier aircraft; and second, mode C transponders in aircraft in controlled airspace. This is to ensure that the administration issues these widely supported safety rules promptly.

OFFICE OF THE SECRETARY OF TRANSPORTATION

Mr. Chairman, for salaries and expenses of the Office of the Secretary of Transportation, the bill provides a total of \$54.85 million, of which \$16 million would be derived by transfer. This amount is \$3.85 billion above the current level and \$2.141 million below the budget request. In addition, office-by-office statutory dollar breakdowns are specified in the bill for the Office of the Secretary. The bill also provides \$38 million for payments to air carriers, \$5 million for transportation planning and research, and \$2 million for the working capital fund.

COAST GUARD

With respect to the Coast Guard, a total program level of \$2.712 billion is recommended, this is \$21.467 million less than the budget request and \$135.2 million less than the fiscal year 1987 program level. The amounts in the bill would provide for a 4.3-percent increase in operating expenses for fiscal year 1988 assuming that certain sums are made available to the Coast Guard from funds appropriated in the Department of Defense Appropriations Act, 1988.

We believe the total Coast Guard funding level provides for a balanced program with emphasis on maritime law enforcement—especially drug interdiction; national defense commitments; search and rescue capabilities; dependability and safety of Coast Guard ships, boats, aircraft, and shore facilities; and the welfare and safety needs of Coast Guard personnel.

For Coast Guard operating expenses, the bill provides a program level of \$1.95 billion for fiscal year 1988—assuming that \$100 million is provided in DOD 1988 appropriation bill. This total amount is \$155.4 million more than the amount provided for similar activities in fiscal year 1987. It is also \$15 million below the budget request. The reduction from

the budget is primarily reductions in GSA rent and FERS payments as well as normal slippages in the operational dates for new vessels, shore facilities, and other equipment.

The bill would also require that not less than \$447 million of the operating expenses appropriation be available for drug interdiction activities. This is more than a 10-percent increase over last year, and is in keeping with the committee's strong commitment to such activities. I invite the members' attention to the drug interdiction section of the report beginning on page 19. Put simply, I think we must have a more coordinated and balanced approach if we are going to make headway in fighting the battle against drugs.

The operating expense funding level of \$1.95 billion will support 38,036 military positions and 4,709 civilian positions including reimbursable positions. These levels are the same as the budget request and represent increases of 383 military and 131 civilian positions over the fiscal year 1987 level.

For acquisition, construction, and improvements, we are recommending an appropriation of \$260 million. This appropriation plus an estimated \$13.8 million in unobligated carryover funds will provide for a total program level of \$273.8 million. The total program level is comprised of \$192.4 million for vessels; \$51 million for shore facilities; \$3.4 million for aids to navigation; \$2 million for command, control and communications, and related systems; and \$25 million for administration. This level should provide sufficient funding to continue the large procurement projects that have been initiated in prior years.

The bill also includes \$1 million to alter or remove two bridges that may be unreasonable obstructions to the waterborne commerce of the United States.

The sum of \$386.7 million, as requested in the 1988 budget, is provided for the pay of retired military personnel of the Coast Guard and Coast Guard Reserve. This is based on an average of 25,139 personnel on the retired rolls.

For reserve training, \$66.3 million is recommended. This will provide for a ready reserve of 18,000 including a selected reserve of 13,000.

The bill includes \$20 million for the basic and applied scientific research, development, test, and evaluation projects necessary to maintain and expand the technology required for the Coast Guard's operational and regulatory missions. This amount is the same as the fiscal year 1987 level.

For the State recreational boating safety assistance program, we approved the budget request of \$15 million.

FEDERAL AVIATION ADMINISTRATION

For the Federal Aviation Administration, we are recommending a total program level of \$6.357 billion, including a \$1.72 billion limitation on the use of contract authority for fiscal year 1988. This is \$1.54 billion—or 32 percent—more than the fiscal year 1987 level, and \$492 million—or 8.4 percent—more than the budget request. I think this large increase is absolutely necessary to continue the restoration of the air traffic control system, continue modernization of the national airspace system, improve our airports, and continue important safety regulatory and research initiatives.

For FAA operations, we recommend a total program level of \$3.305 billion, including \$37.5 million for headquarters administration. This represents an increase of \$476 million over the fiscal year 1987 program level of \$2.829 billion. This would provide for 46,711 positions including 20,750 controllers, supervisors and support personnel for air traffic centers and towers, and 4,410 flight service station personnel.

With respect to the air traffic control system, we recommend \$1.135 billion and 20,750 positions for the operation of ATC centers, terminal radar approach control facilities, airport traffic control towers, and certain ancillary facilities. Under the committee recommendation, air traffic controller employment would increase to a level of 15,900 personnel by September 30, 1988. This is 675 controllers above the revised level currently projected for September 30, 1987, and 1,097 controllers above the September 30, 1986, level.

Our committee remains concerned about air traffic controller work force staffing. While the administration's recently proposed increase in controller staffing is a step in the right direction, we believe additional actions are necessary. Operational errors are increasing, full performance level staffing is still below 60 percent at some critical centers, and the percentage of eligible controllers who choose to retire remains considerably higher than it was just 2 or 3 years ago.

I want to stress that while the overall number of controllers is important—and we have taken steps to address these needs—the Secretary must also work harder to correct the fundamental management problems that still exist in this system. Those problems are well documented in study after study. Yet, as evidenced by the east coast plan experience, such basic and longstanding deficiencies such as consulting controllers about changes in operational practices still have not been corrected.

Moving on to trust fund contributions, of the \$3.305 billion provided for FAA operating expenses in fiscal year

1988, the bill specifies that \$786.250 million, or 24 percent of the total, be derived from the Airport and Airway Trust Fund. In my view, this is an artificially low level that is caused by an ill-conceived formula contained in authorizing legislation. It is one of the causes for the high trust fund balance that we currently have. I would hope that the authorizing committee would change this provision to reflect a straight percentage of the amount appropriated.

For facilities and equipment, the bill contains \$1.17 billion for fiscal year 1988. This is an increase of \$363.5 million from the fiscal year 1987 level. This account finances the multiyear \$16 billion national airspace system plan to modernize and automate our air traffic control system. This level will continue NAS plan implementation at the pace that the FAA has demonstrated that it can efficiently use these funds. I want to stress that, although the NAS plan is behind schedule, those delays are due to technology and contractor deficiencies—not to lack of funding.

With respect to FAA research, engineering, and development, we recommend \$161.5 million, which is an increase of \$11.5 million over the budget request. This includes \$6 million over the budget request for TCAS-III implementation and \$5.5 million over the budget for airport capacity research.

The bill also includes a \$1.72 billion obligation limitation on airport development and planning grants. This is the highest funding level ever provided for this program.

We have also recommended reducing the FAA's authority to borrow from the Treasury to pay defaulted aircraft purchase loans from \$75 to \$60 million. Testimony indicates that the FAA has paid approximately \$171 million as a result of defaulted loans. The amount of these defaults is alarming and we believe that the FAA should fully explore other alternatives with the creditors, such as rolling over the loan or extending the payment period before it agrees to pay for a default. The amount of borrowing authority has been reduced to \$60 million to give added incentive to employ such options.

FEDERAL HIGHWAY ADMINISTRATION

Under the Federal Highway Administration, the bill provides for a total fiscal year 1988 program level of \$13.919 billion in highway aid. This includes a limitation of Federal-aid highway contract authority obligations of \$12.5 billion. The total FHWA program level is \$447.356 billion more than the budget request and almost \$188 million more than that provided in fiscal year 1987.

The highway programs are authorized by the Surface Transportation and Uniform Relocation Assistance Act of 1987—Public Law 100-17. Under

the provisions and assumptions in this bill, we estimate that fiscal year 1988 outlays attributable to the highway account of the trust fund will be about \$14.2 billion. This compares to estimated total fiscal year 1988 income credited to the highway account of approximately \$13.8 billion. The \$400 million difference will serve to reduce the estimated \$9.7 billion balance in the highway account by more than 4 percent.

The bill provides a total of \$215.35 million for FHWA administrative expenses, \$4.79 million below the budget request.

The bill also contains an appropriation of \$14 million for railroad-highway crossings demonstration projects in five different cities.

A \$10 million limitation on highway-related safety grants is also contained in the bill for fiscal year 1988, the same as the budget request, and an appropriation of \$7 million is recommended for highway safety research and development, which is the same as the amount provided in fiscal year 1987.

We recommend funds for 10 additional items not in the budget request: \$10 million for an intermodal urban demonstration project, \$15 million for reconstruction of the Baltimore-Washington Parkway, \$8.3 million for an expressway gap closing project, \$10 million for highway safety and economic development demonstration projects, \$2 million for a highway safety improvement demonstration project, \$10 million for a highway-railroad grade crossing safety demonstration project, \$7 million for a vehicular and pedestrian safety demonstration project; \$2.6 million for a highway bridge relocation demonstration project, \$2 million for a highway bypass demonstration project; and \$2.5 million for a highway widening and improvement demonstration project.

For motor carrier safety, the bill includes \$24 million, \$744,000 less than the budget estimate, to continue the activities of the Office of Motor Carrier Safety. The bill also provides \$50 million to liquidate past contract authority obligations and a \$50 million limitation on obligations for the Motor Carrier Safety Grant Program.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the National Highway Traffic Safety Administration, the bill includes a total program level of \$243.4 million for operations and research. This is \$20.742 million more than the program level proposed in the budget request.

The bill also reserves \$10 million of this appropriation to continue the implementation of the recommendations contained in the National Academy of Sciences' report Injury in America. The committee is hopeful that the research recommendations in that

report can produce large payoffs in the injury-related research work currently funded by the NHTSA.

We have also initiated several new studies and research programs that are described on pages 85 through 92 of the report.

We also recommend a limitation on obligations for the State and community highway safety grant program of \$121 million, an increase of \$11 million over the budget request.

For the alcohol safety incentive grant program, we have established a limitation on obligations of \$14.4 million in fiscal year 1988. This is \$3.5 million less than the budget request.

FEDERAL RAILROAD ADMINISTRATION

Mr. Chairman, for the Federal Railroad Administration, major recommendations include a program level of \$28.825 million for railroad safety, \$10 million for railroad research and development, and a program level of \$21.7 million for office of the administrator expenses—which includes \$6 million for local rail service assistance grants.

We are recommending \$614 million for Amtrak operating and capital expenses in fiscal year 1988. Of course, the President again proposed deleting all Amtrak funds and the Congress has overwhelmingly rejected this proposal year after year. We expect that all existing routes and services will be maintained at this funding level. Bill language is also included continuing the statutory conditions for rehabilitating and operating a new route between Philadelphia and Atlantic City, and establishing a 60-percent Federal match for the Westside connector project in New York City.

In addition, the bill includes \$27 million for Northeast Corridor capital improvements. This sum will be of direct benefit to Amtrak.

URBAN MASS TRANSPORTATION ADMINISTRATION

For the Urban Mass Transportation Administration, a total program level of \$3.45 billion is recommended for fiscal year 1988. This is \$1.946 billion more than the budget request, but \$1.9 million less than the fiscal year 1987 program level.

Under the formula grant program, we recommend an appropriation of \$1.87 billion, including \$5 million for 18(h) rural transportation grants. In addition, another \$100 million would be made available for the formula grant program under the new section 9(B) program. The President's budget did not request any new general fund appropriations for this program in fiscal year 1988. Instead, the budget assumed enactment of new legislation to establish a formula transit grant program funded from the mass transit account of the highway trust fund. I think this approach amounts to almost a complete abandonment of mass transit in this country and I am

glad to see that such an approach was discarded by the authorizing committee.

The operating assistance component of the formula grant appropriation is authorized by the Surface Transportation and Uniform Relocation Assistance Act of 1987. Information provided by UMTA indicates that \$912,598 million will be available for operating assistance in fiscal year 1988.

The bill also includes language limiting obligations for transit discretionary grants and section 9(B) formula grants to \$1.2 billion. This is \$197.5 million more than the fiscal year 1987 limitation. Public Law 100-17 continues to provide contract authority for the discretionary grants program from the mass transit account of the highway trust fund.

I invite the Members' attention to pages 111 through 117 of the report for a detailed description of how these funds are to be distributed.

The bill also includes \$130 million for transit projects that have been substituted for interstate highway projects. Of this amount, 50 percent is to be distributed on a formula basis and 50 percent on a discretionary basis. The discretionary funds will be distributed as outlined on pages 118 and 119 of the report.

The bill appropriates \$201 million as authorized by Public Law 96-184, the Stark-Harris legislation, to continue construction of the Washington, DC, Metrorail system.

The bill also provides a total of \$49 million for research and administrative expenses of UMTA.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The bill limits the administrative expenses of the St. Lawrence Seaway Development Corp. to \$2.1 million, \$36,000 less than the budget request.

In addition, the bill includes an appropriation of \$11.5 million from the harbor maintenance trust fund to fund seaway operations and maintenance that the Corporation is responsible for.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

For the Research and Special Programs Administration, the bill contains an appropriation of \$22.1 million, \$543,000 less than the budget request. Of this amount, \$9.2 million is provided to continue pipeline safety operations, research and development, and State grants-in-aid. The pipeline safety appropriation includes funds to increase inspector travel from 9 to 12 days per month. This increase in productivity will reduce the inspection interval by 6 months for each pipeline unit, from once every 27 months to once every 21 months.

INSPECTOR GENERAL

For the Office of the Inspector General, the bill includes an appropriation

of \$29.3 million. This is \$800,000 less than the budget request.

TITLE II—RELATED AGENCIES

Title II of the bill contains \$591.23 million in new budget authority for six transportation-related agencies and commissions. This is \$11.9 million below the cumulative budget requests, and \$30.3 million above last year's level.

More specifically, we recommend \$2 million for the Architectural and Transportation Barriers Compliance Board, \$24 million for the National Transportation Safety Board, a total of \$47.1 million for the Interstate Commerce Commission, \$456.2 million for the Panama Canal Commission, \$10.7 million for the Department of the Treasury to rebate St. Lawrence Seaway tolls, and \$51,663,569 for the Federal share of interest payments for the bonded indebtedness of the Washington Metropolitan Area Transit Authority.

TITLE III—GENERAL PROVISIONS

Mr. Chairman, there are several general provisions in this bill that will be of interest to the members, including section 323 that limits rental payments to GSA to 104 percent of the fiscal year 1987 level. The general provisions are summarized on pages 128 and 129 of the report.

Mr. Chairman, the bill before the body is a fiscally responsible bill which I believe provides adequate funding for our transportation programs. I say again that it is under ceiling for both budget authority and outlays. I ask for its favorable consideration and approval.

□ 1345

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

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

Mr. Chairman, for any Member who may have become jaded or cynical, this bill is the proof that miracles do indeed happen. Feeding the multitudes with barley loaves and fishes was nothing compared to the task of trying to make a very limited amount of transportation money stretch far enough to cover the very many requests we have. The chairman of the committee, the gentleman from Florida [Mr. LEHMAN], has indeed displayed the wisdom of Solomon. The gentleman from Florida has done just that. He is the salt of the Earth. He is a great guy, and he brings to the floor a bill that is responsible to the needs and the requests of the Members and the administration.

Mr. Chairman, I want to commend in particular some of the other Members on the minority side, the gentleman from Massachusetts [Mr. CONTE], the gentleman from Virginia [Mr. WOLF], and the gentleman from Texas [Mr. DELAY], who has certainly added

a great deal of hard work and given many long hours to this bill. To the other Members on the majority side I extend my congratulations for bringing this bill here. In particular, of course, I give my thanks to the staff who worked on this bill: Jeff Jacobs and Kenny Kraft for the minority; Tom Kingfield, Greg Dahlberg, Lucy Hand, Linda Muir, and Maggie Baker for the majority. They have done a yeoman's job.

As the subcommittee chairman has explained, the committee recommends \$11.1 billion for transportation programs. The committee has recommended—and I hope that those Members who are listening out there will pay attention to this—essentially a freeze at last year's levels except for places such as the Coast Guard and the Federal Aviation Administration, where the administration has asked for more money. The bill is a freeze level bill except where the administration has asked for more.

The highlights of the bill have been pointed out by the chairman of the subcommittee, but just let me make a couple of specific points. The bill provides for \$1,849,400,000 for the operating expenses of the Coast Guard. This is indeed \$55 million over last year's level, but it is still not as much as requested by the administration.

The bill provides \$3,275,550,000 for operations of the Federal Aviation Administration. This is indeed \$474,550,000 over last year's level.

The bill recommends \$1.170 billion for facilities and equipment for the Federal Aviation Administration. That is indeed \$365,416,000 over last year's level, but it is still not as much as requested by the President.

The bill contains a general provision requiring a minimum air traffic controller work force of 15,900 controllers by September 30, 1988.

It contains a provision for obligations of not to exceed \$1.720 billion for airport development and planning grants.

There is a provision providing for obligations of not to exceed \$12.500 billion for Federal-aid highways.

It provides \$614 million for grants to Amtrak, and also \$1.965 billion to continue formula grants for the Urban Mass Transportation Administration. It has a limitation on obligations not to exceed \$1.100 billion for discretionary grants for the Urban Mass Transportation Administration.

There were places in this bill where the administration made either a no budget request or a low budget request. Most notable of these are Amtrak and mass transit, and once again the committee was able to keep these important programs whole.

As I mentioned, there were places where the administration made increased budget requests, notably for

the Coast Guard and the Federal Aviation Administration. The committee supported increases in these important areas.

Let me stress again that we are under our expected 302 allocation in both budget authority and outlays. The reason that we are \$722 million over last year's levels is due to increases requested by the administration. Some accounts are frozen at last year's level, and some accounts received increases as requested by the President.

This is a good bill, but it needs the active support of every Member of this House to ward off any unfair or meat-ax kind of cuts. We have all seen letters from the Office of Management and Budget and from the Department of Transportation objecting to every single instance in which we have made any change in the President's budget. I think it is not responsible to expect that the committee is not going to make some changes. We have come very close to giving the Department everything it wants. The bill is a freeze at last year's levels except for those places where there are requested increases.

Mr. Chairman, I urge support of the bill.

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

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

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

Mr. Chairman, I rise to address a question to my good friend, the chairman of the subcommittee. I find in the committee report accompanying this bill language pertaining to transit properties that can document that they purchased charter bus rights without Federal assistance. It is my understanding that this language was written, at least in part, with Long Beach Transit in mind. Am I correct in this assumption?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the subcommittee chairman.

Mr. LEHMAN of Florida. The gentleman from California is correct.

Mr. ANDERSON. And am I reading the language correctly in assuming that it is the committee's intention that UMTA will allow Long Beach Transit—and any other qualifying public transit authority that applies—to continue their charter bus service through September 30, notwithstanding the April 13 regulation or any subsequent charter regulations?

Mr. LEHMAN of Florida. The gentleman is correct; that is the committee's intention.

Mr. ANDERSON. Finally, Mr. Chairman, the report directs UMTA to provide the committee, by September

1, with a listing of any public transit operators that purchased their charter rights entirely with non-Federal funds. Was it the committee's intent that this listing would make a further distinction between those properties that purchased their charter authority prior to the enactment of the 1964 Urban Mass Transportation Act and those that purchased their authority subsequent to that law's enactment?

Mr. LEHMAN. We would expect UMTA to cover that in describing the purchase arrangements.

Mr. ANDERSON. Mr. Chairman, I thank the chairman of the subcommittee.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for the opportunity to speak in support of the pending measure, H.R. 2890, making appropriations for the Department of Transportation. The distinguished chairman, the distinguished ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN], and other distinguished members of the subcommittee are to be commended for their work on this important measure.

I would like to focus my remarks on one particular aspect of the legislation—the section providing demonstration program funds to communities with dangerous railroad/highway grade crossing problems. The community of Lincoln, NE, which is the major city in my congressional district, is again the recipient of funds as prepared under this program. The Transportation appropriations bill for fiscal year 1988 earmarks a total of \$4 million, from a total appropriation of \$14 million, for completion of the K and L Streets extension and overpass.

The subcommittee, the full Appropriations Committee, and this body have long recognized the seriousness of the transportation problems facing selected cities like Lincoln, NE. This body has never ducked its responsibilities in meeting the Federal commitment to provide demonstration assistance to those communities struggling to alleviate safety and community problems caused by very major railroad facility barriers located in the business and residential areas of cities.

Because of the special leadership of the Nebraska congressional delegation in the early 1970's, Congress authorized demonstration railroad/highway crossing projects through section 163 of the Federal Aid Highway Act. Lincoln was one of the original 12 project cities selected for funding. Due to a number of local delays caused primarily by litigation, however, the actual receipt of grant funds by Lincoln were not forthcoming in a timely fashion.

Thus far, two of the four separation structures which make up the Lincoln

demonstration program have been completed. The \$4 million recommended in the pending bill is what is needed to complete the K and L Streets extension overpass. If that figure can be sustained through the legislative process this year, the Lincoln program will be completed. And, the Federal Government can point with pride at its contribution to improving safety and community conditions in Nebraska's capital city.

The K and L Streets improvement entails the construction of a two-lane railroad overpass on the southwest side of the central business district of Lincoln. The two paved lanes will be built on a four-lane grade, allowing for eventual expansion to a four-lane divided highway.

Southwest Lincoln is currently isolated from the central business district, major public safety and service facilities, and other areas of the city by railroad tracks which serve the high-volume traffic of the Burlington-Northern coal trains and numerous other freight trains. At present, street travelers must cross over five sets of tracks, which carry an estimated 36 trains per day and are expected to carry 90 trains per day in the year 2005. Trains crossing over this grade into or out of the Burlington Northern yard are generally traveling at speeds of 5 to 10 miles per hour and average 100 cars in length. Delays to travelers are, thus far, very long. The lack of convenient and safe access to this sector of the city has severely hindered its economic development.

The crossing has also posed a serious problem for emergency police and fire vehicles which need to traverse the tracks to get to the residents in the area. The police department estimates that at least one police vehicle per day on an emergency call is delayed by a train blockage. The fire department, with a one-truck station within the boundaries of the southwest section, experiences major train-created delays one to two times per month. Ambulance services personnel quoted an average of five calls per week which are held up train crossings. The need for this project is indeed clear.

The city of Lincoln and the State of Nebraska have together contributed approximately 63 percent of the funds expended thus far on railroad/highway crossings, a contribution which equals 32 percent of the total estimated project costs. Local and State officials and the congressional delegation may well seek other funding for rail crossing projects, but the substantial investment of financial and personnel resources that the city has already made warrants that Congress fulfill the original commitment of the Federal Government to support those demonstration project elements.

Mr. Chairman, on behalf of the citizens of Lincoln, NE, I offer my sincere appreciation to you, the distinguished ranking minority member, the gentlemen from Pennsylvania [Mr. COUGHLIN] to you, and the members of your subcommittee you recognize our need, to have recommended for Lincoln the attention and assistance that is required to complete this last phase of Lincoln's demonstration rail transportation system.

Beyond that special note of appreciation this member commends the subcommittee on its usual diligence and excellent work which resulted in H.R. 2890 which is before this body today. I urge my colleagues to support it.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I would appreciate the opportunity to engage in a short colloquy with you. As you know, Mr. Chairman, Amtrak arbitrarily removed two ticket agent positions at the Gallup, NM, train station. These remaining two positions are vital not only to tourists visiting northwestern areas of my State but Amtrak serves as one of the only transportation alternatives for many of my constituents. A grant is included in the fiscal year 1988 Transportation appropriations bill for the National Railroad Corporation of \$614 million. Mr. Chairman, it was my understanding that the committee intended that within the available grant funds the two Amtrak ticket agent positions at the Gallup train station would be maintained. Is that your interpretation?

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield. The gentleman from New Mexico is correct.

Mr. RICHARDSON. I thank the gentleman from Florida.

Mr. COUGHLIN. Mr. Chairman, I yield 7 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, over the past few weeks, a bipartisan group of Members has been working together to achieve modest deficit cuts by reducing the rates of increases in the various appropriations bills. This group's effort has had a mixed reception, ranging from anger to enthusiastic support. Actually, the level of support has been steadily increasing, and I truly hope Members realize that this bipartisan group has no intention of attacking the fine work and signs of fiscal restraint shown by the Appropriations Committee. I would also like to express my appreciation to Chairman BILL LEHMAN for his courteous and understanding attitude toward the efforts of this bipartisan group. Also LARRY COUGHLIN the ranking Republican.

The bill before us today, the fiscal year 1988 Transportation appropriation, is an example, for the most part, of a committee trying to restrain growth while recognizing situations where our society is faced with a crisis. Transportation appropriation spending would increase \$722 million, or 7 percent over fiscal year 1987, but approximately \$820 million is attributed to an increase for the Federal Aviation Administration. While I'm uncomfortable with so large an increase in just 1 year, I doubt any Member would question the urgent need to make our skies safer. The increase in near midair collisions is a frightening reminder of the possible accidents which must be prevented. This is one of the reasons the increase in funding for the FAA will not be included in any of our group's amendments offered today.

The amendments offered today by task force members will pinpoint specific programs where it is believed further reductions can be absorbed without crippling or affecting the viability of the programs. An across-the-board reduction amendment also will be offered, in the area of 3 percent, but will only apply to those programs which have seen increases over fiscal year 1987. As I mentioned earlier, this amendment will exclude the FAA. I would like to assure my colleagues, that these proposals are limited in nature.

Even though these cuts are modest, there will be opposition. I understand the frustration of members who may be seeing spending cuts which affect a specific interest of his or her district. I also greatly respect the members of the Appropriations Committee who have done their best to reduce spending. The challenge we are facing in reducing the deficit began long before June 24, when the first fiscal year 1988 appropriations bill was considered on the floor.

I am certain many Members share my view that the budget process would be a better place to attack spending. It is regrettable that the budget process itself is in large part why we are where we are today, and why I stand here proposing reductions in an appropriations measure. It seems the distortions—the "smoke and mirrors"—which are now part of the budget process make achieving real deficit reduction next to impossible. This is not the time to debate how the process should be reformed, but rather to point out that using unrealistic economic assumptions, tying defense money to taxes, and claiming questionable savings from Rural Electrification Administration loan sales, are just a few of the tactics used to avoid the tough job of making true reductions. These practices led our group to look at other ways for achieving the desperately needed savings.

The bigger issue before us today is our Nation's staggering budget deficit, and the critical need to get it under control. Making these small reductions now is a way to start today, not next year or after the next election, to achieve the needed savings.

I urge your support of these amendments.

□ 1400

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

Mr. CHANDLER. I am happy to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I want to commend the gentleman. What the committee has done is provided a freeze level in this bill except for the areas of the Federal Aviation Administration, the Coast Guard, where the administration has requested increases, and where Congress generally agrees that we need some additional help. In aviation there is a big problem right now. The Coast Guard has the drug interdiction, and other very important missions. What the gentleman has done is exempted areas where there were increases and said that even where we were holding things basically at a freeze level we were going to cut those still further. Is that correct?

Mr. CHANDLER. The gentleman is precisely correct. The only way to justify that is this: It seems to me that while I have not found any constituency for sacrifice in this country, that Members of Congress are going to have to provide some leadership to say we cannot have our lunch and eat it too. We cannot fund these programs with borrowed money from our children's future and say all is well, because all is not well.

Mr. COUGHLIN. It seems to me is very difficult.

My problem is that the gentleman is taking out great big pieces of money leaving only small or relatively small, sums for other programs. The committee has frozen programs at last year's levels, in some cases making reductions, and in some cases making increases. However, overall the bill is a freeze except where requested by the administration. I have to say I hope the gentleman's amendment will not be successful.

Mr. CHANDLER. I know the gentleman feels that way and I respect him. We tried to talk a little bit before today's session, and to my colleagues with whom I had no chance to talk before I would say these amendments were offered and I apologize that I have not had that opportunity. Obviously, we are always facing this conflict between Members when we appropriate and authorize. We have tried not to be arbitrary, we have tried not to select anything in particular, but

simply to achieve some savings so that down the road some day when John and Amy Chandler are up here paying these bills they are going to have some money to do it with.

Mr. COUGHLIN. I thank the gentleman.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CARR], a member of the subcommittee and a very hard working and very able member of the full committee.

Mr. CARR. Mr. Chairman, I want to bring to the attention of the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] a matter where I hope we can get some agreement.

Last year we passed legislation allowing the States to increase the speed limit from 55 to 65 on certain portions of rural interstates. This bill contains \$250,000 to study the effects of this piece of legislation across our land.

According to a DOT interpretation, the basic law which established the national maximum speed limit prohibits States from adopting a speed differential for cars and trucks if they did not have a speed differential in effect to some extent in 1973. As a result, six States have now established a 65-miles-per-hour limit for cars and a lower limit for trucks on rural interstates and 23 States have adopted a uniform 65-miles-per-hour limit for all vehicles. Experts differ over the safety effects of dual speed limits versus uniform speed limits for cars and trucks.

Mr. Chairman, will you agree with me that it is the committee's intent that in addition to assessing the general impact of the higher speed limits on trucks as well as car safety, the National Highway Transportation Safety Administration should also assess the relative truck safety impacts of dual versus uniform speed limits for cars and trucks?

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. LEHMAN of Florida. Mr. Chairman, the gentleman's assumption is absolutely correct. NHTSA is directed to incorporate those details into its evaluation, and we will work closely with NHTSA to ensure that this intent is followed.

Mr. CARR. I thank the gentleman for his comments and for clearing this particular matter up.

Mr. COUGHLIN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, could I have the attention of the chairman of the subcommittee and also the ranking member. I would like to call their attention to page 34 of the report language and read some language and ask for an explanation. The last paragraph of that page reads:

"The Committee remains concerned about whether the type of service being provided by the consolidated flight service stations is consistent with section 528(c) of the Tax Equity and Fiscal Responsibility Act of 1982. Under that section, flight service stations may be closed 'only if the service provided to airmen after the closure of such station is as good as, or better than the service provided when the station was open * * *,' and it goes on.

Mr. Chairman, to say because of the continuing concern about what constitutes as good as or better service, the committee is directing the FAA to halt any further closures unless the affected service area will be served by an automated flight station with model 1 or model 1 full capacity equipment.

I call your attention to what has happened in the Adirondack Mountains of New York State because, Mr. Chairman, the House passed the supplemental appropriation bill containing this same language directing that no stations be closed after July 15 of this year, and in so doing, after March 23 it took all of this time right up until today for the President to sign the supplemental appropriation bill.

What the FAA did in the meantime was to take all of the stations in northern New York, which includes Albany, the State capital, and Glen Falls, NY, where I live, 50 miles north of there and close them, and right up through the Adirondack Mountains into Watertown, some of the most rugged territory in all of the Northeastern United States and deliberately rush the closings before the President signs the supplemental when they knew the intent of the law that was pending. They went ahead and helterskelter rushed to close those stations in violation of the intent of this same language that appeared in the supplemental. I think that is disgraceful. I hope that no accident happens now after the action they took.

I would like to ask both gentlemen if there is some way that they could see to it that the Burlington station, which has become the consolidation station, and which does not even have model 1 or model 1 full capacity equipment, to handle this kind of flight up there now, be immediately equipped with the model 1 full capacity required by law.

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

Mr. SOLOMON. I am happy to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, let me say to my colleague that I will be happy to work with him and with the FAA to get that Burlington station upgraded and get model 1 equipment in there as quickly as is humanly possible. I certainly agree with the gentleman that they should not be closing

down flight service stations until they provide equal or better service.

I will be happy to work with the gentleman in any way I can to assure that in his area.

Mr. SOLOMON. I wish the gentleman in his capacity would pose the question as to why they closed them down when the existing law, even before the supplemental, states, according to your report language, that they must have that kind of service before they can close them down, and yet they went ahead and did it. That is what is disgraceful.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman for bringing this to our attention. Until today we were not familiar with this situation.

The subcommittee does remain concerned about the flight service stations service and the quality of service and we will be looking into this, I am sure with the help of the gentleman from Pennsylvania [Mr. COUGHLIN], and myself, working together that this situation can be resolved.

Mr. SOLOMON. I certainly thank both gentlemen for their cooperation in this matter.

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

Mr. SOLOMON. I think I have 30 seconds left, and I am glad to yield to the gentleman from Michigan, my good friend, who I think has a similar problem.

Mr. CARR. I thank the gentleman for yielding. I merely wanted to say that the record of testimony before our subcommittee reflects that Admiral Engen, who was then the FAA Administrator, put himself and his agency foursquare behind the policy the committee has been announcing and enunciating. I think we all have a concern that it was not in fact implemented in spite of what the leadership of the FAA said at our hearings, and even further that Admiral Engen is no longer there. We now have a new FAA Administrator, so we will all be redoubling our efforts. We appreciate the work of the gentleman.

Mr. SOLOMON. I certainly thank the gentleman for his support and would hope that the committee, if they should fail in getting this matter expedited to get the model 1 service into Burlington, VT, that they demand that these stations be reopened if there is going to be any kind of period of time coming, especially the winter months will be on us in spite of this awful heat we have here, before we know it.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I would like to engage the distinguished chairman of the Transportation Appropriations Subcommittee in a colloquy regarding a very important bridge project in my district.

Mr. LEHMAN. If the gentleman will yield, I would be pleased to join my friend in a discussion of this project, with which I'm familiar.

Mr. GARCIA. I thank the gentleman. It is my understanding that the highway reauthorization bill which was enacted into law earlier this year authorized \$225 million annually for the Discretionary Highway Bridge Replacement and Rehabilitation Program.

Mr. LEHMAN. The gentleman is correct.

Mr. GARCIA. It is also my understanding that historically, the Federal Highway Administration is generally responsive to the views of Congress in allocating these discretionary funds.

Mr. LEHMAN. The gentleman is again correct.

Mr. GARCIA. As the chairman is aware, the Macombs Dam Bridge, which spans in Harlem River between Manhattan and the Bronx in New York City, is badly in need of rehabilitation. The bridge carries over 40,000 vehicles a day and services a major thoroughfare, the Major Deegan Expressway. Do you agree that FHWA should give this project priority treatment in the allocation of discretionary funds next fiscal year?

Mr. LEHMAN. I understand and share the gentleman's concerns with this project and I believe it deserves priority treatment by FHWA. I hope that the Secretary accords it priority consideration.

Mr. Chairman, I would like to say at this point that the gentleman from New York [Mr. RANGEL], my colleague who represents the other side of that bridge, I represent the Bronx side and he represents the Manhattan side, wanted very much to participate in this colloquy between myself and the chairman. The problem is he has a markup going on of his subcommittee and he could not be with us, but he is very much concerned with this project, as I am.

Mr. Chairman, I thank the gentleman from Florida for his support and for his views.

Mr. LEHMAN of Florida. I appreciate the gentleman from New York bringing this to the attention of the subcommittee.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank my good friend from Pennsylvania for yielding me this time. I want to compliment him and all of the Members of the subcommittee for the tremendous job they have done.

With respect to the transportation appropriation bill for fiscal year 1988 I of course commend them very much for their work. Further, I would like to address a question on this important issue to my colleague, the gentleman from Pennsylvania [Mr. COUGHLIN], who is the ranking minority member of this subcommittee. The committee report language, which appears on page 58, cites the airport at Appleton. I would like to clarify the intent was to provide that the FAA fund and maintain the instrument landing system at the Appleton Airport. My further understanding is that sums of money have been set aside in the appropriation for this purpose. Is my understanding correct?

□ 1415

Mr. COUGHLIN. The gentleman is correct. The language on Appleton Airport was inserted as a result of an amendment that I offered in the full committee. The report directs the FAA to give priority consideration to several airports, including Appleton, for funding for instrument landing systems.

Mr. ROTH. Mr. Chairman, I thank the gentleman very much for his answer and I thank my colleagues for their response.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. LEHMAN of Florida. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Pennsylvania.

Mr. ROTH. I thank my good friend, the chairman of the subcommittee, for his response, and I want to thank all the members of the subcommittee again for their work and their help.

In Outagamie Airport in Appleton has experienced substantial growth in passengers and is currently expanding its runway. Northeast Wisconsin is a dynamic part of these United States is developing tremendous economic base. The airport at Appleton must be developed even further if we are going to be able to adequately help this expanding and prosperous area in northeastern Wisconsin.

I thank the members of the committee for their help.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, will the distinguished chairman of the Transportation Subcommittee agree to engaging in a colloquy?

Mr. LEHMAN of Florida. Yes; I would be pleased to.

Mr. HUTTO. Mr. Chairman, as the members of the Appropriations Committee are aware, I am very concerned, as the chairman of the Coast Guard Subcommittee, about the funding level

for the Coast Guard contained in this bill. As I stated in testimony before the Transportation Subcommittee on April 30, the Coast Guard is at a disadvantage by having to compete with FAA, mass transit, and other programs in the function 400 account. This combined with inadequate requests from OMB, is why Congress has deemed it necessary for the past several years to allocate additional funds to the Coast Guard from Defense appropriations. I can tell the gentleman that DOD does not like it and neither does the Coast Guard. We, as Coast Guard's authorizing committee, do not like it; the Armed Services Committee, on which I also serve, does not like it; and, I am confident the distinguished chairman of the Defense Appropriations Subcommittee does not like it, either.

Nevertheless, because we once again are faced with woefully inadequate funding for the Coast Guard in the Transportation Appropriations bill, it is my understanding that the chairman of the Transportation Appropriations Subcommittee and the chairman of the Defense Appropriations Subcommittee have reached an understanding that the Defense bill will contain an additional \$100 million for the Coast Guard operating expenses account. Is that correct?

Mr. LEHMAN of Florida. That is an assumption that right now is correct.

Mr. HUTTO. Well, I appreciate very much the gentleman's concern and his assistance on this matter. We look forward to working with him and getting proper funding for the Coast Guard.

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

Mr. HUTTO. I am happy to yield to the ranking minority member of the Coast Guard Subcommittee, the gentleman from Michigan [Mr. DAVIS].

Mr. DAVIS of Michigan. Mr. Chairman, I thank the gentleman from Florida for yielding.

I want to join in this colloquy on this particular issue and perhaps to our friend, the gentleman from Florida [Mr. LEHMAN]. I am concerned, as is the chairman, about what we are doing with the Coast Guard budget this year. As I understand it, this bill, the Coast Guard portion of this bill right now is about \$275 million under the President's request. If we subtract the \$100 million that we hope to get from the Defense Department, that still leaves us short \$175 million, or thereabouts. If that is in fact true, and from everything that I have been able to determine it is, that is a considerable amount of money which is going to cause a great deal of harm to the ability of the Coast Guard to carry out its appropriate functions.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1 additional minute to the gentleman from Florida [Mr. HUTTO].

Mr. DAVIS of Michigan. Mr. Chairman, will the gentleman yield further?

Mr. HUTTO. I am happy to yield to the gentleman from Michigan.

Mr. DAVIS of Michigan. Mr. Chairman, I just think that we need to address that problem because we are talking now about the very things that everyone in this country depends upon the Coast Guard to do. They are not going to be able to carry out their normal everyday function. You are going to be cutting back on spare parts. You are going to be cutting back on search and rescue and, frankly, the Coast Guard will not be able to operate, to do the functions that we charge them to do, with this budget as it is.

I would hope, Mr. Chairman, that we would be aware of that and the chairman would be aware of that, because I am very concerned about it.

If there is some time left, Mr. Chairman, I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I am sure the gentleman realizes the subcommittee knows the importance of the Coast Guard, especially in the problems of drug interdiction. We have tried under severe budgetary restraints to treat the Coast Guard as fairly as we possibly could and will continue to do so should other moneys become available.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. COUGHLIN. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. DAVIS of Michigan. Mr. Chairman, will the gentleman yield further?

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

Mr. DAVIS of Michigan. Mr. Chairman, let me just talk about some numbers. It is my understanding that the administration does not support the Coast Guard portion of this budget, either, that they do not believe that there is enough money in here to carry on the appropriate functions for the Coast Guard.

I know that you folks on the Appropriations Subcommittee do your best in the area of transportation, but I am concerned that what you have done, when you needed to make some appropriate cuts, that you did not take a hard enough look at the Coast Guard and you made disproportionate cuts in the Coast Guard for the budget.

As a matter of fact, in my opinion, you did, and hopefully when this bill goes to conference, and some of us are going to have some amendments to offer, some small amendments, I know maybe the gentleman from Florida will, I know I am going to have an amendment, to put a little bit of money back into this bill; but if we do

not clean this bill up as far as the Coast Guard is concerned between now and the time this bill goes to the President, the Coast Guard is going to be in deep, deep trouble.

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

Mr. DAVIS of Michigan. I am pleased to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, the distinguished ranking member of the Appropriations Committee, the gentleman from Massachusetts [Mr. CONTE], just last week had an amendment to the Coast Guard authorization that would have established a user fee to provide \$100 million to the Coast Guard. That would have solved the problem really. If that user fee had passed for \$100 million, the Coast Guard would have had the money that the gentleman says it needs today.

Mr. DAVIS of Michigan. Well, I might say, that is not an appropriate argument to make in this particular case, because a user fee as defined by this Congress must relate to the need for that user fee and the money must be allocated in areas where it is designated. If you are going to collect the user fee, you must see that that money is used for that purpose for which the user fee was allocated. The money we are talking about now has no relationship to it. You are talking about buying spare parts. You are talking about search and rescue stations, the manning levels, and all those kinds of things.

Mr. COUGHLIN. If we could have freed up \$100 million, I think we could have taken care of the gentleman's concerns.

Mr. DAVIS of Michigan. Well, it would help, but I would hope that the subcommittee did not look at this as, well, Congress has turned down the user fee, ergo, we will just cut that much out of the Coast Guard budget, and if you folks want to fund the Coast Guard to the extent that it should be, then you are going to have to come along and support a user fee. I do not think that is an appropriate way to do business.

We all say the Coast Guard does a great job. We all want the Coast Guard. Everybody in the country wants the Coast Guard to do their job. We never give them enough money and this year we are even under what the President asked for and we think the President was wholly inadequate in what he asked for.

We on the Authorization Committee spent a great deal of time working on this bill, coming up with the necessary dollars, just to keep the Coast Guard operating and, frankly, this Appropriation bill falls way short of the money that they need.

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

Mr. TRAFICANT. Mr. Chairman, in the continuing supplemental appropriations, I offered an amendment that would stop the funds used to close the flight service station at Youngstown Municipal Airport. I did so, and thank the House for supporting me, because in 1973 there was a court case where it was determined that the closing of the flight service station at the Youngstown Municipal Airport would increase safety problems in and around that volatile weather region of the near Lake Erie region and it would take special action by Congress to in fact facilitate that closing.

There was some question as to whether or not recent actions taken by Congress were enough authorization for such action. In my colloquy in past legislation, Chairman LEHMAN has stated that it is his opinion, and the opinion of the House, that further authorization from Congress would be necessary to close that flight service station.

Today I will be offering an amendment that will in essence stop the closing of the 56 flight service stations in America that are targeted to be closed in the new modernization program offered by FAA.

I do not mean to take on the committee, but I mean to say this to you. We are now putting into place a computer system that will be doing all that previously hands-on human intelligent trained flight service station workers provided.

There are tremendous safety implications in place. I do not want to cut the budget of \$67½ million to stop modernization. I believe that Congress should be going on with the modernization, but should still be keeping these flight service stations, which are so necessary to the pilots of small aircraft, the different firms that use aircraft for their business, and the small commercial hubs that have developed in these particular areas.

Now, recently, and I will be getting into this, recently in New York the U.S. district court—and I agree with the gentleman from New York [Mr. SOLOMON] 100 percent, he is absolutely correct, they issued a temporary restraining order prohibiting the agency from closing five stations in New York and Vermont.

In fact, a hearing on the permanent injunction that would keep these stations open is scheduled for later on.

Mr. Chairman, I believe before we close and think we may reopen if we should find some revelation, that is not the policy Congress should take. Today we can cut \$67½ million, keep those 56 flight service stations in operation, maintain safety and give an opportunity to see how the new modernization programs work, while having both in effect.

I think it should behoove the committee and Congress with all the near midair collisions we have had and with the computer shutdown in this country, St. Louis International, one of our greatest airports, on occasions had 4 hours of computer malfunction and had their computer down.

So it makes sense. Watch for my amendment. I appreciate your support and I will offer further information at that time.

Mr. GRAY of Illinois. Mr. Chairman, I rise in support of the pending bill making appropriations to the Department of Transportation and to thank the distinguished gentleman from Florida [Mr. LEHMAN] and the ranking minority member, Mr. COUGHLIN of Pennsylvania for their outstanding work in bringing out a bill that is below the President's budget request and at the same time allowing for a well funded National System of Highways in this country. Mr. Chairman, when Speaker WRIGHT and I first came to Congress in 1955 there were 50 million vehicles on the roads of America; today we have 150 million vehicles using our roads. A 300-percent increase. This bill allows \$13 billion for our needs in the next fiscal year.

I also want to thank the committee for allowing funds to start construction on the badly needed Carbondale, IL, railroad relocation project and funds to reopen the Williamson County, IL, regional airport tower in the interest of safety.

Mr. DOWNEY of New York. Mr. Chairman, the Appropriations Committee has done an excellent job in putting together the fiscal year 1988 transportation bill which will provide funding for transportation programs across the country. I am especially pleased that the committee accepted my recommendation that \$5 million be included in this legislation for protective barriers for the Long Island Railroad's mainline.

Clearly, the committee understands that we simply cannot allow open access to electrified rail lines, such as the Long Island Railroad's mainline. Without fences or pedestrian overpasses, the risks would far outweigh the benefits that Long Islanders would receive from an electrified line. As a result of the \$5 million earmarked for fences in each community between Ronkonkoma, NY, and Farmingdale, NY, the electrified line will help meet Long Island's transportation needs without compromising safety.

This is a bill that recognizes that safety must come first. This is a bill that is good for Long Island. That is why I urge my colleagues to support it.

Mr. RAHALL. Mr. Chairman, I strongly support the passage of H.R. 2890, transportation appropriations for 1988, not only because it provides critical funding for programs administered by the Department of Transportation, but also because it includes specific provisions of utmost importance to my home State of West Virginia.

The report accompanying H.R. 2890 includes language which directs the Secretary of Transportation to give priority to the Sixth Street Bridge in Huntington, WV, in the allocation of discretionary bridge funds. This bridge is in serious need of replacement, as is dem-

onstrated by its extremely low rating factor of 3.83 and the fact that it has been the West Virginia Department of Highway's highest bridge priority for the last several years.

The Sixth Street Bridge is the major link between Huntington, which is the largest city in West Virginia, and the State of Ohio. It is vital to the transportation needs of the people in the area and to interstate commerce in the economically depressed tri-State region. It is safe to say that if this bridge is not replaced in a timely manner, the result will be a further loss of jobs and commerce in an area that has been struggling desperately to maintain its economic health.

Additionally, the report directs the Secretary to give priority consideration to Raleigh County Airport's grant application for airport development funds. This airport, which is located in southern West Virginia, is in great need of added capacity, specifically additional hangars, not only to increase usage of the airport but also to ensure that the facility remains a viable entity in Raleigh County and its surrounding areas.

As West Virginia continues to suffer inordinately high levels of unemployment, those of us who are concerned with the welfare of our State are actively seeking to broaden its economic base and to promote the growth of new businesses. One of the most promising areas of development is the State's tourism industry and I view the Raleigh County Airport as a critical component in the further promotion and expansion of this industry in West Virginia.

Specifically, the airport is in need of a 60 foot by 60 foot hangar which would have the capacity to house six airplanes—\$50,000—and four T hangars which would each house one single engine plane—\$50,000. The total cost of this expansion effort is minimal and the project will allow for greater private aircraft usage of the facility and will encourage increased commercial traffic to the area.

Another component in the bill of critical importance to the State of West Virginia is the \$614 million appropriated for Amtrak operating and capital expenses. It is indeed fortunate that we in the Congress continue to rebuff the administration's seemingly tireless efforts to end all Federal funding for this crucial link in our Nation's transportation network. Amtrak is of special importance to the elderly and handicapped, not only in my congressional district but throughout the United States, who do not have ready access to other modes of transportation that many of us take for granted. The termination of Federal assistance for Amtrak would in effect contribute to the elimination of all intercity rail passenger service in the United States. This would mean that in West Virginia, and throughout the country, many communities would be without any form of scheduled transportation. We in Congress must not allow that to happen—the funds contained in this measure will ensure that it does not.

I am also pleased that the bill contains appropriations for the Urban Mass Transportation Administration, not withstanding the administration's budget request. The bill provides a total of \$2.2 billion for various mass transit programs for fiscal year 1988, including \$1.9 billion for the formula grant program which

provides mass transportation capital and operating assistance in both urban and nonurban areas.

Funding contained in H.R. 2890 for UMTA is of vital importance to the operations of the Tri-State Transit Authority which is based in Huntington, WV. This transit authority provides accessible, reliable and professional bus service to the people of the tri-State region. As is the case with Amtrak, the service provided by tri-State is in many instances the only mode of transportation for handicapped and elderly citizens who have a fundamental right to a safe and reliable source of transportation. This service is also important to the many financially disadvantaged citizens in the Huntington area who do not have the resources to take advantage of other means of transportation.

Again, for the reasons I have just stated, and for many others, I strongly support this much needed appropriations measure and urge its adoption by my colleagues.

Mr. BONER of Tennessee. Mr. Chairman, I rise in strong support of the transportation appropriations for fiscal 1988 and I would like to commend subcommittee Chairman BILL LEHMAN, ranking member LARRY COUGHLIN, and the other members of the subcommittee.

As my colleagues know, few federally funded programs touch the lives of our citizens as does the Nation's transportation network. Whether it be by aircraft, automobile, or railroad, many Americans judge the efficiency and responsiveness of their Government by the quality of the air service, the roadways, and the rail tracks on which they travel.

The bill recommended by the House Appropriations Committee recognizes the importance of a well-constructed transportation network. It recognizes not only the current needs of this network, but also the future growth required to bring us smoothly into the 21st century.

Within that context, I would like to thank the subcommittee for its assistance to the citizens of Davidson County, TN. The committee has included several specific capital improvements for the Metropolitan Nashville airport. In addition, as part of the national strategic transportation planning study, the committee has recommended funds to assist Davidson County officials plan the transportation needs of the next 25 years.

Middle Tennessee and, in particular, Davidson County, has been affected by rapid economic growth caused, in part, by the expansion of the metro airport and the confluence of six interstate arteries. Given this growth, and the traffic congestion that has resulted, I and other local officials believe that an updated assessment of road improvement needs and funding mechanisms will provide a basis for accurately evaluating Davidson County's road system capacity needs. This results of this study will provide State and local officials with the information necessary to make planning decisions and allocate efficiently Federal and non-Federal transportation funds.

Again, I thank the subcommittee for giving local officials the opportunity to anticipate and respond to the future demands placed on the county's transportation network. When incorporated into the national strategic transportation plan, both Federal and local officials will

be able to clarify their respective roles, responsibilities, and options for continuing the development and improvement of our Nation's transportation network.

I urge my colleagues to support this important measure.

Mr. ROYBAL. Mr. Chairman, I rise in support of the \$150 million appropriation for the Los Angeles Metro Rail project. This project is an excellent investment of Federal funds.

The \$150 million contained in this bill will be matched almost equally by non-Federal funds—twice the amount required under Federal law. For example, California has already pledged \$400 million in State funds for future matching purposes. The private sector will contribute more than \$170 million through the creation of benefit assessment districts along the alignment.

Los Angeles County taxpayers will contribute the revenue from a half percent sales tax increase approved in 1980 specifically to construct a rapid transit system. Furthermore, this local tax will provide 100 percent of the cost of an extensive light rail network which will connect with metro rail in downtown Los Angeles.

I was particularly pleased that the Appropriations Committee, in its report on the bill, has included language that it

Directs that, out of the funds made available by the Los Angeles County Transportation Commission, the Southern California Rapid Transit District, or a successor agency, for a study of extensions of the Los Angeles Metro Rail project east of the Union Station (Metro Rail East Study), in order to serve the urgent public transportation needs of the L.A. County/USC Medical Center, Boyle Heights/East Los Angeles, Cal State L.A., and other areas in the eastern part of Los Angeles County. The Metro Rail East Study shall be completed by September 30, 1988.

This study of the eastern extension of Metro Rail will finally give firm assurances to millions of citizens living in the eastern part of Los Angeles County that they will also share in the benefits of rapid transit in the Los Angeles metropolitan area.

Mr. Chairman, I strongly support H.R. 2890, the fiscal year 1988 transportation appropriation bill, and the \$150 million in it to help fund the Los Angeles Metro Rail project.

Mr. BIAGGI. Mr. Chairman, I want to express my support for this legislation, which provides fiscal year 1988 appropriations for the Department of Transportation. I am particularly pleased to note that this legislation will help to combat a potentially critical problem facing our Nation—the development of undetectable plastic firearms.

Simply put, firearms technology has far surpassed the limits of our weapon detection systems and unless that gap is closed, law enforcement will be waging a losing battle against terrorism. Our Nation's airports are particularly vulnerable to this problem. Since mandatory security screening procedures went into effect at U.S. airports in 1973, more than 33,000 firearms have been detected; almost 14,000 related arrests have been made; and 113 hijackings have been prevented. But, what has become a very effective security system against terrorists will soon become totally obsolete if we do not do two

things: First improve our weapons detection systems; and second, place reasonable controls on plastic handguns until those improved weapon detection systems are in place.

Mr. Chairman, in early 1986 I authored legislation calling for this two-pronged solution to what the law enforcement community considers to be one of the most serious terrorist threats facing our Nation's airports and other security-conscious facilities. I reintroduced this legislation—H.R. 1785—this Congress and just recently was proud to join the distinguished Crime Subcommittee Chairman, Mr. HUGHES, in sponsoring a similar bill—H.R. 2845—that is expected to see action in the near future. As far as I am concerned, that action cannot come soon enough, and I know the law enforcement community supports my view.

However, it is important to note that the Federal Aviation Administration also has a critical role to play in the process. They are now involved in efforts aimed at developing improved airport weapon detection systems, and this bill will help allow that vital work to continue.

Earlier this year I received a report from the FAA entitled, "Weapons Detection—Executive Summary." The report states, in part, that,

A potentially serious threat to concourse security has been identified in the form of handguns made of plastic and composite materials that may prove much more difficult to detect with current x ray and metal detection systems * * * to counter these threats, the FAA has initiated studies on new technology and concepts for detecting nonmetallic weapons and explosive devices in carryon luggage and on passengers. Several of the methods being explored, including x ray, infrared, and acoustics, show some promise of neutralizing the threat of nonmagnetic weapons.

Finally, let me say that while I commend the FAA for their concern, and for initiating these much needed studies, and while I support continued funding for that research, I believe we can do more and I believe the FAA can do more. Specifically, I would urge that the following actions be taken: First, establish a Federal testing program to ensure that only those firearms that are detectable by current airport security devices are available to the general public; second, direct the FAA to aggressively continue to work toward improved weapon detection systems; and third, have the FAA require that, over a reasonable period of time, the new backscatter x-ray devices, which can detect plastic handguns, be installed in place of the existing systems.

Mr. Chairman, we have legislation before this august body that would accomplish the first two objectives, and the FAA could accomplish the third through already existing regulatory authority. There is certainly reason for more study and development of improved weapon detection systems as provided for in this bill. But, we would be doing a great disservice to our law enforcement community and the flying public if we were to ignore the short-term problem while looking for a long-term solution.

Mr. FAZIO. Mr. Chairman, I rise today in strong support of the Department of Transportation appropriations bill for fiscal year 1988—H.R. 2890. I would like to take this opportunity

to commend the chairman of the Subcommittee on Transportation, Mr. LEHMAN and the ranking minority member, Mr. COUGHLIN for the time and effort they spent on developing this balanced and much needed bill. I realize that all the members of this subcommittee worked extremely hard to formulate a bill that meets the fiscal year 1988 budget resolution allocation. As a member of the Appropriations Committee, I understand the difficult decisions that must be made during this time of severe fiscal constraint.

H.R. 2890 provides \$10 billion in new budget obligation authority for the programs of the Department of Transportation and related agencies. This funding level is within the 302(b) allocation of the fiscal year 1988 budget resolution.

H.R. 2890 recommends an appropriation of \$3 billion for operations of the Federal Aviation Administration which includes a much needed increase of \$474 million over last year's appropriation. This bill also includes a provision requiring a minimum air traffic controller work force of 15,900 controllers, including at least 12,250 operational controllers and 10,350 full performance level controllers by September 30, 1988.

I am pleased that this bill rejects the President's recommendation to eliminate funding for Amtrak. H.R. 2890 funds Amtrak at \$614 million. The loss of Amtrak to California would be severe. In 1986, the total ridership in California was 4.6 million people including almost 150,000 people from my district. In California, Amtrak employs 1,741 individuals at 54 stations with a total payroll of \$38,000.

In a more local instance, H.R. 2890 provides for and also appropriates the final allotment of moneys to complete an extremely important project in my district.

The bill allows \$8.3 million to complete Highway 113 which, contrary to a prior statement, is an authorized project. Highway 113 is a dangerous 10-mile stretch of road between Davis and Woodland connecting I-5 and I-80 west of Sacramento. Over 22,000 vehicles a day use the highway. The four-lane highway narrows to two extremely congested lanes for 4 miles. It is so hazardous that all vehicles are required to put their headlights on during this narrow stretch, known locally as Blood Alley. When completed, it will not only improve the safety of this congested roadway, it will reduce the time of travel to the Sacramento Metro Airport from Yolo and Solano County quite substantially, and thus facilitate increased traffic flow in the David-Woodland corridor. Also, the area is currently being considered as a site for the superconductor supercollider [SSC]. Therefore, completion of this important roadway is essential should the SSC be sited here.

In addition, H.R. 2890 designates the Sacramento Metropolitan Airport a "priority" facility for funding in fiscal year 1988. This designation is vital as the demand for airline flights to and from Sacramento has increased over 35 percent in the last 2 years alone. The increase in population and industry has placed a heavy burden upon Sacramento's transportation facilities. The Sacramento Metropolitan Airport was designed to accommodate 3 to 3.5 million passengers each year. Officials

report the airport is presently servicing more than 3.8 million.

The priority designation will steer Federal funds to facilitate construction of the following projects:

A new east terminal, scheduled for construction next summer, which will include eight new gates and is expected to accommodate an additional 1.75 to 2 million passengers each year.

A new aircraft parking apron for the east terminal is the airport's first priority. Each terminal requires an apron to provide access from the taxiways to the aircraft parking ramps. Presently, this land area is undeveloped. Cost for the new aircraft parking apron is estimated at \$7.7 million of which Federal funding would amount to \$6.2 million.

A new access road to the east terminal. The road should alleviate auto traffic congestion, once the new terminal is completed. Cost for the road is estimated at \$10.2 million of which Federal share is \$8.2 million.

Additional paving of the taxiway systems which connect to the new runway. This will provide easier access to the runway and, in turn, increase the runway's capacity. Funding for this project would also include moneys for the new instrument landing system [ILS] to help ensure safe landing conditions in adverse weather conditions. Cost for this project is estimated at \$3.3 million of which Federal funding would amount to \$2.6 million.

Extension of the new runway from 8,600 to 10,500 feet. The lengthened runway would allow for a greater number of nonstop, coast-to-coast flights through Sacramento. Costs for the extension are estimated at \$5.3 million of which the Federal share is \$4.2 million.

Construction of additional taxiways and roads to the parking areas. These facilities will be essential as the airport continues to expand. Cost for these taxiways and roads are estimated at \$1.4 million of which the Federal funding amounts to \$1.1 million.

The total cost for the Sacramento Metropolitan Airport projects is estimated at \$27.9 million of which the Federal share is \$22.3 million.

Another airport project which will aid air safety in the Sacramento area is the replacement of an airport surveillance radar at McClellan AFB. This radar should be installed in February 1988.

As Sacramento is the largest growing metropolitan area in the country, these transportation projects will go a long way toward meeting the region's increased travel needs.

H.R. 2890 is a fiscally responsible bill. I urge my colleagues to support the Department of Transportation's fiscal year 1988 appropriations bill.

Mr. PANETTA. Mr. Chairman, I rise today in support of H.R. 2890, the fiscal year 1988 Transportation appropriations bill. I believe that the legislation is fiscally responsible and at the same time responsive to the needs of the citizens of the Nation. I commend the committee and particularly Chairman LEHMAN for producing a bill which addresses the serious problems created by the ever increasing burden placed on our transportation infrastructure while complying with the budget targets set by the House.

While I certainly understand the budgetary concerns of those of my colleagues who wish to reduce the scope of this bill, the fact is that the measure includes vital projects which would be unfairly eliminated by some amendments which may be offered to the legislation. This funding is important because it will help address crucial transportation and safety needs in communities all across the Nation.

Among those is the Prunedale-Highway 101 Bypass in Monterey County, CA. This is a project which should have been built over a decade ago and which has been plagued by a series of delays due to State priorities which emphasize transportation construction in urban areas, and obligational limits on Federal highway aid. These delays have produced an accident rate well above the State average and several unnecessary fatalities. We simply cannot afford any further delays with regard to this project, and I commend the committee for including funding in the bill which will help accelerate its construction.

After years of delays I am pleased to note that the State of California has indicated its intention to obligate \$3 million in fiscal year 1988 to complete the preliminary environmental and design work on the Prunedale Bypass. Mr. Chairman, I want to make it absolutely clear that the money included in the measure now before the House is intended to augment State funding, and not to act as a substitute. The intention is that the full amount included in this legislation will be used in addition to the 20 percent State share and the \$3 million which the State has set aside for this purpose.

Again, I want to express my support for the Transportation appropriations bill and to commend the committee and Chairman LEHMAN for their efforts.

Mr. HANSEN. Mr. Chairman, after more than 6 years in Congress, I still have a difficult time trying to understand the sometimes conflicting action of the U.S. Government.

After an 18-month study for the Federal Aviation Administration, the National Science Foundation recommended a Federal ban on smoking on all domestic airline flights. This study concluded that smoking should be banned for four major reasons: First, to lessen irritation and discomfort to passengers and crew, second, to reduce potential health hazards to cabin crew associated with tobacco smoke, third, to eliminate the possibilities of fires caused by cigarettes, and fourth to bring the cabin air quality into line with established standards for other closed environments.

Apparently Secretary Dole was unconvinced by the report and meanwhile, nonsmoking passengers and crew members are forced to continue flying and working in an environment that exceeds levels allowed by environmental and occupational regulations. We now have a chance to correct this and vote for the amendment to prohibit smoking on domestic flights of 2 hours or less.

The Federal Government certainly has reason to warn Americans about the dangers of smoking and secondhand smoke. During this past year, scientific proof of the adverse effects of secondhand or passive smoke have accelerated. No objective person can argue that tobacco does not pose definite health dangers to its users and those exposed to its smoke.

People do not purposely buy an airplane ticket just to have a place to smoke. Even the most addicted chain smoker can go several hours without smoking if necessary. Consideration and concern for the rights of the nonsmoker is long overdue. It is hard to understand why the right to clean air is constantly ignored to allow 20 percent of the people to smoke on airlines.

A study conducted by a National Science Foundation committee for the Federal Aviation Administration concluded that tobacco smoke inhaled by airline passengers and flight attendants was, "potentially hazardous to the health of airline crew and passengers." The study found that careless smoking was the cause of 6 percent of inflight fires. There have been some instances where oxygen mask doors have been glued in the closed position by tobacco tars. The airlines must wash the matting surfaces of the doors periodically. Fortunately, these occurrences were found during ground tests.

Some in this great body feel there is inconclusive evidence to support the conclusion that secondhand smoke is dangerous to the nonsmoker and therefore we should do nothing about it. When it comes to protecting the public health, Government officials are duty bound to take action when there is good reason to believe that innocent people are being harmed.

Recent studies show that secondhand smoke has been linked to increased lung cancer in nonsmoking women married to smoking men. The study showed that a nonsmoking woman was 10 percent to 30 percent more likely to develop lung cancer if she was exposed to secondhand smoke than a woman who was not so exposed. Furthermore, the risk increases with the amount of smoke to which the nonsmoker is exposed. Children of smoking parents have an increased prevalence of reported respiratory symptoms, an increase in frequency of bronchitis and pneumonia early in life, and small but measurable differences in tests of pulmonary functions.

Although I support the right of individuals to smoke, I also support the right of those who choose not to smoke not to be exposed to secondhand smoke in domestic flights of 2 hours or less. With more than 350,000 people dying each year from tobacco use, which is the equivalent to three, fully loaded jumbo jets crashing every day in the United States killing all aboard, it is imperative that the Federal Government do everything in its power to educate and be an example to the public. I firmly believe that the Federal Government should send a solid and unified signal to the public that smoking and the use of tobacco products can kill—not only the users, but those around them that are exposed to their lethal smoke. The present Federal tobacco double standard is just too costly—in human and dollar terms—for Americans to maintain.

Mr. FRENZEL. Mr. Chairman, the Appropriations Committee has done a better job this year of reviewing transportation programs for next year, of holding down costs in most programs, and of responding to the need for increased air traffic safety. Still, it is 7½ percent more than last year. Partly, because these are

not fiscally healthy times, I oppose the bill strongly.

While most activities are not lavished, nothing substantial is reduced or eliminated. At a time of gargantuan deficits, simply holding the line is not enough. We need real reductions. This bill doesn't have them.

We continue to lavish Amtrak with heavy subsidies so it can serve a small pool of users. We continue to resist returning the burden of urban mass transit to the areas served by that transit.

All these programs are desirable. None, at least at current funding levels, should be a sacred cow.

Until Congress accepts the necessity of making serious reductions in spending, we will be plagued with high deficits and the drag they place on our economy. I cannot support legislation that fails to break our current cycle of spending and deficits as usual.

Mr. McMILLEN of Maryland. Mr. Chairman, I rise today in strong support for funding at the committee recommended level of \$201 million for the Washington Metro system.

The amendment offered by the gentleman from Washington would reduce Metro funding by \$10 million. This amendment will come back to haunt us in several ways.

First, a disruption of funding causing the delay of the construction program will ultimately result in higher costs. Funding at the committee recommended level of \$201 million will prevent delay in construction schedule, and allow Metro to take full advantage of a favorable bidding climate. By maintaining momentum in the construction program, Metro can better utilize cost control methods, such as putting expensive construction equipment and laborers time to best use at multiple sites, and acquiring farecard machines in greater volumes. There is no question that a dragged out piecemeal construction program will prove more costly in the long run.

Second, the requirements of the full funding agreement make a level of no less than \$201 million necessary to proceed to the next operable segment without further jeopardizing essential bus and rail reliability projects, and dangerously increasing the risk to the local jurisdictions.

To any who has ridden on the Washington Metro system, and if anyone has not they should, the harm to be caused by such disruption is obvious. Metrorail ridership reached 115.9 million trips in fiscal year 1986, an increase of 15 percent over the previous year. Recently, on the Fourth of July, the Metro system moved more people in 3 hours than it usually moves in an entire day. Furthermore, even with tremendous increase in ridership, Metro has one of the best safety records in the Nation.

Mr. Chairman, the economic, social, and transportation advantages of this model Metro system in our Nation's Capital are obvious. The reduction of Metro funding would be detrimental to its health and vitality. I, therefore, strongly oppose this amendment.

Mr. RANGEL. Mr. Chairman, today we are considering H.R. 2890, the appropriations bill for the Department of Transportation and related agencies for fiscal year 1988. Among the agencies included in this legislation is the

U.S. Coast Guard. It is the Coast Guard appropriations provisions that I rise to address.

As chairman of the Select Committee on Narcotics Abuse and Control, I am very concerned that our drug interdiction efforts are effective and make the most efficient possible use of our resources. In recent years the role of the Coast Guard in drug interdiction has been expanded. In 1980, we recognized this fact, when we, the Congress, passed the Coast Guard High Seas Drug Law Enforcement Act. This legislation revised the laws relating to the importation of drugs to facilitate increased enforcement by the Coast Guard.

Under the Anti-Drug Abuse Act of 1986 we further expanded the responsibilities of the Coast Guard in the area of drug interdiction. In March and April of this year, the Select Committee on Narcotics Abuse and Control held hearings on the impact of the Anti-Drug Abuse Act on our drug interdiction efforts. It was evident at that time that the Coast Guard was putting forth the maximum effort possible with their existing resources.

Just last week we approved the Coast Guard's fiscal year 1988 authorization. That legislation provided \$2,006 billion for operating expenses and \$373 million for acquisitions, construction, and improvements (AC&I). These funds are essential to the drug interdiction efforts of the Coast Guard.

Yet, today we are considering an appropriations bill that provides almost \$300 million less than the authorization bill for the operating and AC&I accounts. This troubles me.

What troubles me even more is that the appropriations bill provides more than \$200 million less for the operating and AC&I accounts than the Coast Guard received last year from all sources. This difference assumes, however, that \$100 million will be transferred to the Coast Guard from the Department of Defense. If the money from Defense is not forthcoming, then we are in effect funding the Coast Guard at a level \$300 million less than last year.

The authorization bill is not excessive. It represents a funding level slightly less than what was appropriated last year. At a time when we are expanding the role of the Coast Guard, this is, I believe, not too much to ask.

Although the proposed reductions are not directed specifically at the Coast Guard's drug interdiction responsibilities, the cutbacks must impact those efforts. Given that the Coast Guard is a multipurpose agency, all of its functions will be affected by cuts in the agency's budget. We are forcing them to weigh one vital function against another.

We must ensure that the Coast Guard is funded at a level that will guarantee that it can carry out its drug interdiction mission, as well as its search and rescue responsibilities. We in the Congress cannot afford to reduce the Coast Guard's role in the war on drugs. That would not only be penny wise and pound foolish, but irresponsible and an affront to the American people.

Our Nation is in the midst of a drug epidemic. The drug traffickers are well equipped and have abundant resources at their disposal. The American people have demanded that we respond to this problem. We must meet the challenge and provide our frontline agencies with adequate resources to carry out their offensive.

I would urge you to weigh these considerations, as we deliberate on the Coast Guard's appropriations this afternoon.

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1988, and for other purposes, namely:

**TITLE I—DEPARTMENT OF
TRANSPORTATION
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed \$30,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine; \$1,100,000 for the Immediate Office of the Secretary; \$570,000 for the Immediate Office of the Deputy Secretary; \$6,100,000 for the Office of the General Counsel; \$8,000,000 for the Office of the Assistant Secretary for Policy and International Affairs; \$2,300,000 for the Office of the Assistant Secretary for Budget and Programs; \$2,475,000 for the Office of the Assistant Secretary for Governmental Affairs; \$23,275,000, of which \$16,000,000 shall be derived from unobligated balances of "Payments to air carriers", for the Office of the Assistant Secretary for Administration; \$1,525,000 for the Office of the Assistant Secretary for Public Affairs; \$835,000 for the Executive Secretariat; \$450,000 for the Contract Appeals Board; \$1,300,000 for the Office of Civil Rights; \$400,000 for the Office of Commercial Space Transportation; \$2,000,000 for the Office of Essential Air Service; \$670,000 for Regional Representatives; and \$3,850,000 for the Office of Small and Disadvantaged Business Utilization, of which \$3,000,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation: *Provided further*, That 5 per centum of each sum provided under this head shall not be available for obligation until on or after the date that final rules are issued by the Department of Transportation that: (1) expand existing requirements for installation and carriage of cockpit voice recorders and flight data recorders to smaller sizes of commuter air carrier aircraft and to require cockpit voice recorder and flight data recorder retrofits on certain types of existing commuter air carrier aircraft to be determined by the Federal Aviation Administration; and (2) require in-

stallation and carriage of operating altitude-encoding radar transponders for all aircraft operating in terminal airspace where air traffic control service is provided and in all controlled airspace above a minimum altitude to be determined by the Federal Aviation Administration.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(TRANSFER OF FUNDS)

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, and university research and internships, to remain available until expended, \$5,000,000, to be derived from "Payments to air carriers".

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed \$135,000,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation; for necessary expenses associated with the development of the Department-wide Accounting and Information System, \$1,785,000, to remain available until expended; and for the Department of Transportation office space reduction initiative, \$215,000.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, \$38,000,000, to remain available until expended.

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 eight passenger motor vehicles for replacement only; and recreation and welfare, \$1,849,400,000, of which \$30,000,000 shall be expended from the Boat Safety Account: *Provided*, That, of the funds available under this head, not less than \$447,000,000 shall be available for drug enforcement activities: *Provided further*, That the number of aircraft on hand at any one time shall not exceed two hundred and fourteen, exclusive of planes 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.

AMENDMENT OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEHMAN of Florida: On page 5, line 9, strike "\$1,849,400,000" and insert "\$1,879,400,000".

□ 1430

Mr. LEHMAN of Florida. Mr. Chairman, this amendment would add \$30 million to the Coast Guard operating expenses account.

As the Members know, the committee assumed that \$100 million of the amount needed for this account would be derived from the Defense appropriations bill. This was based on precedents established in previous years.

However, since then, I now expect that we will receive a slightly higher budget allocation, and we can replenish 30 percent of this shortfall. Meeting this shortfall is my top priority, and I think this amendment, combined with the understanding I have reached with the gentleman from Florida [Mr. CHAPPELL], will provide these essential funds.

I want to stress that this amendment is within our expected budget ceiling—in terms of both new budget authority and outlays.

Mr. Chairman, I urge its adoption.

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

Mr. LEHMAN of Florida. Mr. Chairman, I yield to the gentleman from Pennsylvania.

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

I know how hard the gentleman from Florida has fought to try and provide the maximum amount of funding for the Coast Guard.

I congratulate the gentleman from Florida [Mr. LEHMAN] on this amendment, and am delighted that we are able to provide this additional assistance. I certainly support the amendment.

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

Mr. LEHMAN of Florida. Mr. Chairman, I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, the gentleman knows I had thought about offering an amendment to the amendment to reduce the level of increase in half in order to fund some research and development functions within the FAA that were funded at lower levels than the FAA made in its request to the Office of Management and Budget.

I have chosen not to do that, because I believe the Coast Guard does need the money, and therefore, will not make the transfer.

At the same time, I want to alert the Members that I believe there are very serious air safety problems affecting this country, and I will be offering two amendments to try to deal with those at the appropriate section of this bill.

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

Mr. LEHMAN of Florida. I yield to the gentleman from Florida.

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

Did I hear the gentleman from Florida [Mr. LEHMAN] say that the \$30 million that was being added would be deducted from the \$100 million from the Department of Defense?

Mr. LEHMAN of Florida. Yes, the DOD assumption of \$100 million for operating expenses has now been reduced to a sum of \$70 million.

Mr. HUTTO. Why would we want to do that when the shortfall is so great?

In other words, I am grateful to the gentleman for offering the \$30 million, but I would hope if DOD is going to help us, that they would not reduce the \$100 million.

There is no requirement that it would be reduced, is there?

Mr. LEHMAN of Florida. I agree with the gentleman's assumption; if the gentleman from Florida [Mr. CHAPPELL] wants to provide an additional \$100 million instead of the \$70 million, we will be delighted.

We are not limiting the gentleman. I am trying by this amendment, to assume the responsibility for the Coast Guard operating expenses in the proper bill.

Mr. DAVIS of Michigan. Mr. Chairman, I move to strike the last word.

I wanted to comment on the same thing that the gentleman from Florida [Mr. HUTTO] commented on; and if either the gentleman from Florida [Mr. LEHMAN] or the gentleman from Pennsylvania [Mr. COUGHLIN] will answer, and as I understand it, this really will not give the Coast Guard any more money under the agreement that the gentlemen apparently think is going to happen?

In other words, we were talking about \$100 million from the Department of Defense for the Coast Guard.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Michigan. Mr. Chairman, I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, the ball is in the court of the Defense Appropriations Subcommittee. We are putting \$30 million more of DOT money into the Coast Guard.

We were assuming before this started that they would have \$100 million from DOD. We now assume that we will get at least \$70 million; but if the DOD subcommittee wants to provide us the \$100 million as I explained to the gentleman from Florida [Mr. HUTTO].

I would be willing to accept it under this assumption.

Mr. DAVIS of Michigan. First of all, I support the amendment. It still is wholly inadequate, because we are still going to be \$145 million short, even if we get the \$70 million from the Department of Defense.

It is a very small step in the right direction, and I would hope that we could get \$100 million from the De-

defense Department instead of the \$70 million, but I do have to say that, realistically, and maybe the gentleman agrees or does that, realistically, and maybe the gentleman agrees or does not agree with me, that is not the way we should fund the Coast Guard.

We ought to decide how much the Coast Guard needs, and give them the money and without going over to the Defense Department, because they have got this great big pot of money, and try to siphon off \$100 million from them.

We ought to be forthright right up front and say, the Coast Guard needs this much money, and we ought to do it right here in this bill.

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

Mr. DAVIS of Michigan. I yield to the gentleman from Pennsylvania.

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

It indicates the esteem in which this subcommittee holds the Coast Guard, to say we are taking every penny of what we have been able to find under our expected 302 allocation, and giving it to the Coast Guard. The Department of Defense has normally assumed responsibility for some kind of funding of the Coast Guard, because the Coast Guard indeed does perform a defense function.

To the extent that we can get them to contribute the full \$100 million to the Coast Guard, we will have \$30 million more. To the extent they cannot, at least we kept them whole.

Mr. DAVIS of Michigan. I appreciate that. It still is not enough money for the Coast Guard to carry on their normal operating procedures, and we are going to have to give them some more money before this bill comes out of conference and goes to the President, or the Coast Guard will be in deep trouble.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. LEHMAN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities vessels, and aircraft, including equipment related thereto, to remain available until September 30, 1992, \$260,000,000: *Provided*, That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further*, That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further*, That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national

defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further*, That the requirements for such written warranties shall not cover combat damage.

AMENDMENT OFFERED BY MR. HUTTO

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

The Clerk read as follows:

Amendment offered by Mr. HUTTO: Page 6, line 15, insert ", the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives" after "Representatives".

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. Mr. Chairman, I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, we are familiar with the amendment of the gentleman from Florida, and we have no objection to the amendment.

Mr. HUTTO. Mr. Chairman, I appreciate very much the gentleman from Florida agreeing to that.

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

Mr. HUTTO. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, we have looked at the amendment, and certainly have no objection to it, and agree it is a good amendment.

Mr. HUTTO. I appreciate that. This amendment simply provides that the Secretary of Transportation also notify the Coast Guard authorization committees in the other body and the House of any intention to waive, and the reasons for waiving any written warranty requirements under this section of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. HUTTO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: Page 5, line 9, strike "\$1,849,400,000" and insert in lieu thereof "\$1,864,813,000".

Mr. LEHMAN of Florida. Mr. Chairman, I reserve a point of order against the amendment of the gentleman from North Carolina.

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

Mr. JONES of North Carolina. Mr. Chairman, I offer an additional amendment, and I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the additional amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: Page 6, line 3, strike "\$260,000,000" and insert in lieu thereof "\$277,893,000".

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent to withdraw the amendment now being read.

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

There was no objection.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes on his initial amendment.

□ 1440

Mr. JONES of North Carolina. Mr. Chairman, I have offered this very important amendment because I consider the amounts contained in the transportation appropriations bill to be woefully inadequate when viewed in light of the many duties which we in Congress have thrust upon the U.S. Coast Guard.

The CHAIRMAN. If the gentleman will suspend, it is the understanding of the Chair that the amendment which the gentleman intends to offer is the second amendment that he offered.

Mr. JONES of North Carolina. The gentleman is correct.

The CHAIRMAN. Without objection then, the first amendment is withdrawn and the Clerk will report the second amendment.

There was no objection.

Mr. LEHMAN of Florida. Mr. Chairman, I reserve a point of order against the second amendment also.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: Page 6, line 3, strike "\$260,000,000" and insert in lieu thereof "\$277,893,000".

Mr. JONES of North Carolina. Mr. Chairman, I have offered this very important amendment because I consider the amount contained in the Transportation appropriations bill to be woefully inadequate when viewed in light of the many duties which we in Congress have thrust upon the U.S. Coast Guard.

Just last week, this body passed the fiscal 1988 Coast Guard authorization bill. That bill was bare bones. This appropriation doesn't even come close to the authorization. It is even considerably less than the President's own budget.

Time and time again, I am dismayed by the number of duties which we expect the Coast Guard to perform while simultaneously, some in this body would ask that they function on less than a bare bones budget. Mr. Chairman, the Coast Guard is always

there at our beck and call to respond to whatever assignment we heap upon it. Its duties are as diverse as breaking ice for scientific researchers in Antarctica to intercepting vessels teeming with illegal immigrants heading for our shores; from searching for overdue pleasure boats on the Great Lakes to fighting to halt the flow of illegal narcotics into this great Nation; from responding to an oil spill in Long Island Sound to enforcing fisheries laws off the coast of Alaska. To continue this multiplicity of duties, it is mandatory that this vital service be funded in an adequate manner.

The amendment which I am offering would raise the amount prescribed for the Coast Guard's second largest expenditure category to the minimal figure set out in the administration's budget. The increase would amount to roughly \$18 million in the capital account. These figures do not accept the Transportation Subcommittee's assumption that unspent funds which were appropriated for fiscal year 1987 can be used to increase the amount appropriated for the Coast Guard in fiscal year 1988. These moneys have already been obligated for certain projects but not yet spent in the truest sense of the word but it would be an erroneous assumption to take unspent funds back only to give them back in a succeeding year.

Although this amendment will serve to increase the Coast Guard's funding for fiscal year 1988 by a bare \$18 million, it will help to ensure that this valuable, multipurpose organization has the funds and the ability to perform its many essential duties.

In summary, my amendment would restore the Coast Guard's appropriation for this expense category to the low level sought by the President's budget.

Mr. LEHMAN of Florida. Mr. Chairman, I agree with my friend in his statement, in principle. I understand his concern for the Coast Guard but not only does his amendment exceed the expected 302(b) allocation, but the point of order I make on the amendment is because we have passed that section of the bill. Mr. Chairman, I ask my point of order be sustained.

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

The point of order is that the Clerk has read beyond that paragraph, is that the gentleman's point of order?

Mr. LEHMAN of Florida. The point of order is made because we have read past that portion in the bill to which the gentleman from North Carolina offers his amendment.

Mr. JONES of North Carolina. Mr. Chairman, there has been no budget allocation approved at this time. Therefore, I reject the gentleman's argument.

The CHAIRMAN (Mr. PANETTA). Is there anyone else who wishes to be heard on the point of order? If not, the Chair is prepared to rule.

The Clerk did not read the next paragraph and, therefore, the gentleman from North Carolina was able to offer his amendment to the pending paragraph.

The point of order is overruled.

Are there any additional comments with regard to the amendment?

Mr. DAVIS of Michigan. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

Mr. Chairman, I do rise in support of this amendment. What this amendment does is it raises the acquisition, construction and improvements account from \$260 million, by about \$18 million to \$277 million or almost \$278 million.

Now that figure is the administration's original recommendation. In our subcommittee and in our full committee we went beyond this recommendation. So the authorization bill which has already passed this House and which this body passed has a higher figure than this figure that we have in this amendment.

So in effect what we are saying is the House has already said that we support going further than this amendment does. So all we are doing is rolling it back. We are raising the appropriation amount by about \$18 million. But what happens, if you do not adopt this amendment, is that many of the facilities that the Coast Guard now has will not be able to be repaired or a lot of the construction will not be able to go forward. As a matter of fact, there may have to be some contracts which have already been tentatively reached and some of them may be permanently reached that will not be able to be fulfilled if you do not go along with this amount. Probably this amendment will not even allow all of those to be honored but certainly it is a small step to try to get this bill back into a position where the Coast Guard receives the kind of dollars that it needs.

I can tell you that all of the Members are going to receive lots of complaints from their constituency when they find out, if we do not adopt this amendment, if we do not increase the Coast Guard budget they are going to have a lot of complaints from their constituents because a lot of the things that they thought were going to be done at their Coast Guard facilities all over the country, search and rescue facilities mainly, they will find out that what they thought was going to be able to be accomplished is not going to be able to be accomplished. So I strongly urge support of this amendment and hope we adopt it.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. DAVIS of Michigan. Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. I thank the gentleman for yielding.

As I recall, the authorization called for \$370 million.

Mr. DAVIS of Michigan. That is correct.

Mr. JONES of North Carolina. Now we are only asking a total of \$270 million or \$100 million less than was authorized? Is that too much to expect?

Mr. DAVIS of Michigan. That is correct. And in that \$100 million we had lots of places, lots of needs where the Coast Guard needed to make all kinds of repairs all over the country in these stations. So what we are doing is we are \$100 million less than the Coast Guard Authorization Committee gave and the full committee thought was where we should be. All you are doing is adding on \$18 million which, incidentally, is the President's request. So even the administration would support this.

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

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, the effect of this amendment would be to exceed and break our tentative budget resolution allocation by about \$17 million. Right now this bill is at the exact ceiling. And I stressed the commitment to the full appropriations committee that I would live within these ceilings. I think if we vote for additions that exceed our expected 302(b) allocations, whether for Coast Guard or for FAA, we are just setting ourselves up for the kind of across-the-board cut that will damage not only the appropriations process but the various administrative offices for which we are responsible.

Mr. Chairman, I strongly urge that we proceed with the bill that we have crafted as fairly as we could under the severe budgetary restraints not only for Coast Guard but for all parts of our bill, and vote down this well-meaning amendment.

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

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

Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman of the Committee on Merchant Marine and Fisheries, and to express my very deep concern about the level of funding for the Coast Guard contained in the fiscal year 1988 transportation appropriations bill being considered today.

Just last week, this House approved my committee's Coast Guard authorization bill with a total in new budget authority of \$2.787 billion. The necessity of that funding level was not questioned during the debate. As I stated at that time, the authorization bill we brought to the floor was a very lean budget that is adequate—but certainly not excessive—for the Coast Guard in fiscal year 1988. That budget does not provide funds for major acquisitions or new programs. It simply provides the basic amounts necessary to pay personnel, buy fuel and spare parts, perform critical maintenance, and continue current programs, including drug interdiction operations originated by the omnibus bill. And I want to again point out that the amount contained in our authorization bill is less than the total funds provided to the Coast Guard in fiscal year 1987 from all sources.

Yet, despite the fact that our authorization level is below current funding, the Appropriations Committee has recommended an even lower level of funding for the Coast Guard. In the two major accounts of the Coast Guard budget—operating expenses and acquisition, construction and improvements—this bill contains \$300 million less than this House authorized last week. The distinguished chairman of the Defense Appropriations Subcommittee indicated in our colloquy earlier today that his committee will provide \$100 million in the Defense appropriations bill for the Coast Guard operating expenses account. This will help somewhat, and I thank the gentleman for his offer of assistance. However, even this additional amount will leave the Coast Guard \$200 million short of the funds it needs in its two major accounts.

As I stated earlier in my colloquy with the chairman of the Defense Subcommittee, I strongly believe that the Coast Guard should be properly funded in the Transportation appropriations bill and should not have to hope that additional funding will be provided through other sources. I do not like to be in a position of disagreeing with the distinguished chairman of the Transportation Appropriations Subcommittee. He is a good friend as well as a member of my State's delegation. However, a majority of the members of the Merchant Marine and Fisheries Committee signed two letters to the gentleman from Florida [Mr. LEHMAN] asking that adequate funds be added in the full committee markup of the transportation bill. I will submit letters for the RECORD.

Mr. Chairman, the Coast Guard has a long and distinguished record of service to the American people since its beginning as the Revenue Cutter Service in 1790. While the Coast Guard's role as the "Good Samaritan of the Seas" is widely recognized, the

Coast Guard really is a multimission agency. It is responsible for patrolling the waters out 200 miles from our shores to enforce fisheries laws, as well as for national defense purposes under the Maritime Defense Zone agreement with the Navy signed in 1983. It's responsible for investigating major maritime casualties, such as the collision last week of two ferries in Long Island Sound. It's responsible for marine environmental pollution control, particularly the cleanup of oil spills such as the large spill the Coast Guard is now working on off the coast of Alaska. It plays a major role in drug interdiction, and does it very well, as proven by the May 8 interception of nearly two tons of cocaine—the second largest cocaine "bust" ever made by a Federal agency.

Last August 13, the Miami News ran an editorial entitled "Rescue the Coast Guard So It Can Do Its Job." In that editorial was the following statement: "Congress is fast with ideas for new things the Coast Guard could do but slow with the money to do them." There is entirely too much truth in that statement, Mr. Chairman. Despite the fact that we continue to increase the missions of the Coast Guard, in constant dollars there has been no growth in the Coast Guard budget over the last 5 years. And, to literally add injury to insult, the bill before you today actually cuts Coast Guard funds by 10 percent from current funding levels.

Mr. Chairman, all Americans benefit from the services of the Coast Guard, whether it be directly as the result of a search and rescue mission, or indirectly through port security, the safe transport of consumer goods made possible by the Coast Guard's maintenance of aids to navigation, the cleanup of an oil spill, or the interdiction of the illegal drugs plaguing our Nation. The Coast Guard is one Federal agency that truly gives the taxpayers the most value for money spent. It is not unusual for Coast Guard personnel to put in 96-hour work weeks, without overtime pay, if that's what it takes to get the job done.

The many missions we have assigned to the Coast Guard are critical to the health and safety, as well as the national security, of our Nation. I realize there is not much room in this bill for additional funding to be added for the Coast Guard, and that is too bad. The frustration of our Merchant Marine and Fisheries Committee is evident by the amendment offered by our distinguished chairman, the gentleman from North Carolina. When I saw an increase of more than \$800 million in this bill for the Federal Aviation Administration, I considered offering a motion to recommit with instructions to provide more funding to the Coast Guard, but I will not do so.

However, for the Congress to continue to expect the Coast Guard to do more jobs while we give them less money flies in the face of plain common sense. The dedicated personnel of the Coast Guard do not deserve the shameful treatment they are receiving from this Congress.

The letters referred to are as follows:

COMMITTEE ON MERCHANT
MARINE AND FISHERIES,
Washington, DC, June 24, 1987.

HON. WILLIAM LEHMAN, Chairman,
HON. LAWRENCE COUGHLIN,
Ranking Minority Member, Subcommittee
on Transportation, Committee on Appropria-
tions, House of Representatives,
Washington, DC.

GENTLEMEN: We were distressed to learn that the FY 1988 Department of Transportation Appropriations bill recently approved by your Subcommittee contains a funding level for the Coast Guard that is woefully inadequate if the Coast Guard is to be expected to perform its many missions. Therefore, we respectfully request that the appropriations figures for the Coast Guard be reconsidered and that the Coast Guard be fully funded at the modest levels contained in our authorization bill, H.R. 2342.

Your Subcommittee proposes only \$85 million in new budget authority for the Coast Guard's Acquisition, Construction and Improvements (AC&I) Account, the lowest level for this account since 1974. In the two major accounts—Operating Expenses and AC&I—the funding level of \$1.9044 billion proposed by your Subcommittee is \$474.6 million less than the \$2.379 billion authorized in our bill, and \$513.6 million less than the \$2.418 billion appropriated from all sources in FY 1987 for these two accounts (these amounts do not include funds from the Boat Safety Account). We realize your bill assumed that \$275 million would be provided for the Coast Guard through the Department of Defense. However, the FY 1988-89 Defense Authorization bill that passed the House, H.R. 1748, contains no such provisions for the Coast Guard.

As you know, our Committee's authorization bill for the Coast Guard contains funding levels totaling \$2.787 billion. This is a lean budget. It provides a level of funding we believe will be adequate—but certainly not excessive—for the Coast Guard in FY 1988. As stated by the Chairman of the Coast Guard Subcommittee, Representatives Hutto, and our Ranking Minority Member, Representative Davis of Michigan, when they appeared before your Subcommittee on April 30th, our Committee strongly believes that the Coast Guard should be properly funded through Function 400 and should not have to hope that additional funding will be provided from other sources, such as the Department of Defense.

All Americans benefit from the services of the Coast Guard, whether it be directly as the result of a search and rescue mission, or indirectly through port security, the cleanup of an oil spill, the safe transport of consumer goods made possible by the Coast Guard's maintenance of aids to navigation, or the interdiction of the illegal drugs plaguing our nation. In constant dollar terms, there has been no real growth in the Coast Guard budget in the last five years. It is unfair for the Congress to continue to assign new or expanded missions to the

Coast Guard without providing the funding necessary to accomplish those missions.

The agreement reached by the conference committee on the budget resolution includes \$11.945 billion in the Section 302(a) discretionary appropriations allocation for Function 400, an increase of \$1.141 billion in budget authority over the amount provided for Function 400 in the House-passed budget resolution. We realize that, following acceptance of the conference report by the House and Senate, the Appropriations Committee must subdivide the total funds approved in the budget resolution. However, anticipating that the Section 302(b) subdivision will equal the level of increase assumed in Section 302(a) allocation of the conference report, we trust that appropriate adjustments will be made to the Coast Guard funding levels in order that it can successfully perform its many missions so critical to the health and safety, as well as the national security, of our nation.

Sincerely,

WALTER B. JONES,

Chairman.

ROBERT W. DAVIS,

Ranking Minority
Member, and 28
other committee
members.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 1987.

HON. WILLIAM LEHMAN, Chairman,
Subcommittee on Transportation, Commit-
tee on Appropriations, House of Repre-
sentatives, Washington, DC.

DEAR CHAIRMAN LEHMAN: We are writing to add our names to the list of our colleagues who have written in support of the Coast Guard authorization levels contained in H.R. 2342. We are most concerned that the FY 1988 Department of Transportation Appropriations bill recently approved by your Subcommittee funds the Coast Guard at a level that is seriously inadequate if the Coast Guard is expected to perform its many missions.

We realize that the Department of Transportation Appropriations bill assumes that \$275 million would be provided for the Coast Guard through the Department of Defense. However, as you know, the FY 1988-89 Defense Authorization bill that passed the House contains no provision for the Coast Guard. The authorization levels recommended by H.R. 2342, are less than what was appropriated in Fiscal Year 1987 from all sources.

The Coast Guard continually makes a commendable effort in meeting the increasing demands placed upon them. The Coast Guard's multi-mission responsibilities require adequate funding in order to meet their missions so critical to the health, safety, and national security of our nation. We are requesting that the appropriation figures for the Coast Guard be reconsidered and that the Coast Guard be fully funded at the levels included in H.R. 2342, the Coast Guard Authorization Act.

With kind personal regards,
Sincerely,

WILLIAM J. HUGHES.

THOMAS R. CARPER.

GLENN M. ANDERSON.

CARROLL HUBBARD, JR.

□ 1455

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

Mr. Chairman, I have the highest regard for the U.S. Coast Guard and I have the greatest respect for the distinguished chairman of the Committee on Merchant Marine and Fisheries and the members of that committee.

However, Mr. Chairman, this is the open-the-barn-door amendment. If we open the barn door, the animals are going to escape from the barn and we are going to have a bill that will not meet our 302(b) allocation. We are going to have an open season on everything that comes along in this bill.

All agree that these are good causes and good programs. However, we have done the best job that we can in the subcommittee to provide for funds for a number of wonderful, beneficial, good programs. We have an evenhanded bill. If we start opening the bill up and passing amendments like this, amendments that are open-the-barn-door amendments, we are going to be in deep trouble.

Mr. Chairman, I urge defeat of the amendment.

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

Mr. Chairman, last year we passed an omnibus drug bill that called for, among other things, duties to interdict drugs at our borders. Involved with that piece of legislation was a real stalwart political move in the House where many Members were waving the banners of support for eradicating drugs from America.

We all know what happened to the great war against drugs. We have taken in the appropriations and reduced it to a raid on some local pharmaceutical stores. In other words, we did not back up the legislative intent of Congress, the directive of the President, which we agreed with and still do, and the Senate action.

Now, today we are talking about additional duties for the personnel of the Coast Guard. This amendment would add \$18 million to ensure that one of their new duties would be to help stop drugs from entering this country.

Mr. Chairman, with every benefit there is a corresponding cost factor. We are not going to lump additional burdens, through new legislative initiatives, on the Coast Guard without compensating them for this in the first place.

Mr. Chairman, I will be offering an amendment later that would cut \$67.5 million to stop the closing of 56 flight service stations. It is absolutely a safety amendment. I think it is good sense to cut that \$67.5 million, leave the 56 flight service operations in existence for safer skies, and see what the modernization with these new computers does at these 61 sites throughout the country. While we are doing that, there would be a modest addition of \$18 million by this amend-

ment offered by the gentleman from North Carolina [Mr. JONES], which not only makes sense but I think it cries out for a favorable vote.

Let us keep in mind that the Jones amendment is far short of the barebones authorization approved by the House just last week. In addition, we must say that it is a little bit of a contradiction to keep talking about stopping drugs and at every turn of the road, when we get a chance to help in that cause, we continue to wield the axe.

So, Mr. Chairman, I am asking that we support the Jones amendment. It makes sense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. JONES].

The question was taken; and on a division (demanded by Mr. JONES of North Carolina) there were—ayes 6, noes 10.

Mr. JONES of North Carolina. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 255]

Akaka	Bustamante	Derrick
Anderson	Byron	DeWine
Andrews	Callahan	Dickinson
Annunzio	Campbell	Dicks
Anthony	Cardin	DioGuardi
Applegate	Carper	Dixon
Aspin	Carr	Donnelly
Atkins	Chandler	Dorgan (ND)
Badham	Chapman	Dornan (CA)
Baker	Chappell	Dowdy
Ballenger	Cheney	Downey
Barnard	Clarke	Dreier
Bartlett	Clinger	Duncan
Barton	Coats	Durbin
Bateman	Coble	Dwyer
Beilenson	Coelho	Dymally
Bennett	Coleman (MO)	Dyson
Bentley	Coleman (TX)	Early
Bereuter	Collins	Eckart
Berman	Combest	Edwards (CA)
Bilbray	Conte	Emerson
Bilirakis	Cooper	Erdreich
Billie	Coughlin	Evans
Boehlert	Courter	Fascell
Boggs	Coyne	Fawell
Boland	Craig	Fazio
Boner (TN)	Crane	Feighan
Borski	Crockett	Fields
Boucher	Daniel	Fish
Boulter	Dannemeyer	Filippo
Brennan	Darden	Florio
Brooks	Daub	Ford (TN)
Broomfield	Davis (IL)	Frank
Brown (CO)	Davis (MI)	Frenzel
Bruce	de la Garza	Gallely
Buechner	DeFazio	Gallo
Bunning	DeLay	Garcia
Burton	Dellums	Gaydos

Gejdenson Madigan
 Gekas Markey
 Gibbons Marlenee
 Gilman Martin (IL)
 Gingrich Martin (NY)
 Glickman Martinez
 Gonzalez Matsui
 Goodling Mavroules
 Gordon Mazzoli
 Gradison McCloskey
 Grandy McCollum
 Grant McCurdy
 Gray (IL) McDade
 Gray (PA) McGrath
 Green McHugh
 Gregg McMillan (NC)
 Guarini McMillen (MD)
 Hall (OH) Meyers
 Hamilton Mfume
 Hammerschmidt Mica
 Hansen Michel
 Harris Miller (CA)
 Hastert Miller (OH)
 Hatcher Miller (WA)
 Hayes (IL) Mineta
 Hayes (LA) Moakley
 Hefley Mollinari
 Hefner Mollohan
 Henry Montgomery
 Henger Moody
 Hertel Moorhead
 Hiler Morella
 Hochbrueckner Morrison (CT)
 Holloway Morrison (WA)
 Hopkins Mrazek
 Horton Murphy
 Houghton Murtha
 Hoyer Nagle
 Hubbard Natcher
 Hughes Neal
 Hunter Nelson
 Hutto Nichols
 Hyde Nielson
 Inhofe Nowak
 Jacobs Oakar
 Jeffords Oberstar
 Johnson (CT) Obey
 Johnson (SD) Olin
 Jones (NC) Ortiz
 Jontz Owens (UT)
 Kanjorski Oxley
 Kaptur Packard
 Kasich Panetta
 Kastenmeier Parris
 Kennedy Pashayan
 Kennelly Patterson
 Kildee Pease
 Kleczka Pelosi
 Kolbe Penny
 Kolter Pepper
 Konnyu Perkins
 Kyl Petri
 LaFalce Pickett
 Lagomarsino Pickle
 Lancaster Porter
 Lantos Price (IL)
 Latta Price (NC)
 Leach (IA) Pursell
 Leath (TX) Quillen
 Lehman (CA) Rahall
 Lehman (FL) Rangel
 Leland Ravenel
 Levin (MI) Regula
 Levine (CA) Rhodes
 Lewis (CA) Richardson
 Lewis (FL) Rinaldo
 Lewis (GA) Roberts
 Lightfoot Robinson
 Lipinski Rodino
 Lott Rogers
 Lowery (CA) Rose
 Lowry (WA) Roth
 Lujan Roukema
 Luken, Thomas Rowland (CT)
 Lukens, Donald Rowland (GA)
 Lungren Roybal
 Mack Russo
 MacKay Sabo

□ 1510

The CHAIRMAN. Three hundred seventy-four Members have answered to their names, a quorum is present,

and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from North Carolina [Mr. JONES] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 91, noes 287, not voting 55 as follows:

[Roll No. 256]

AYES—91

Anderson Gilman
 Aspin Gonzalez
 Atkins Gregg
 Bateman Hansen
 Bentley Hefner
 Bilirakis Hertel
 Bogs Hochbrueckner
 Borski Hughes
 Brennan Hutto
 Brooks Jones (NC)
 Callahan Kanjorski
 Clarke Lagomarsino
 Collins Lantos
 Conte Leath (TX)
 Daniel Lewis (CA)
 Davis (MI) Lewis (FL)
 de la Garza Lipinski
 DeFazio Lowry (WA)
 Donnelly Lukens, Donald
 Dornan (CA) Lungren
 Duncan Markey
 Dymally Matsui
 Dyson Mavroules
 Eckart McCollum
 Evans McMillen (MD)
 Fields Moakley
 Florio Mollinari
 Frank Murtha
 Garcia Nowak
 Gaydos Oakar
 Gejdenson Oberstar

NOES—287

Akaka Coelho
 Andrews Coleman (MO)
 Annunzio Coleman (TX)
 Anthony Combust
 Applegate Cooper
 Archer Coughlin
 Badham Courter
 Baker Coyne
 Ballenger Craig
 Barnard Crane
 Bartlett Crockett
 Barton Dannemeyer
 Beilenson Darden
 Bennett Daub
 Bereuter Davis (IL)
 Berman DeLay
 Bilbray Dellums
 Billey Derrick
 Boehlert DeWine
 Boland Dickinson
 Boner (TN) Dicks
 Boucher DioGuardi
 Boulter Dixon
 Broomfield Dorgan (ND)
 Brown (CO) Dowdy
 Bruce Downey
 Buechner Dreier
 Bunning Durbin
 Burton Dwyer
 Bustamante Early
 Byron Edwards (CA)
 Campbell Emerson
 Cardin Erdreich
 Carper Espy
 Carr Fancell
 Chandler Fawell
 Chapman Fazio
 Chappell Feighan
 Cheney Fish
 Clinger Filippo
 Coats Flippo
 Coble Foley
 Ford (TN) Johnson (CT) •

Johnson (SD) Mrazek
 Jontz Murphy
 Kaptur Myers
 Kasich Nagle
 Kastenmeier Natcher
 Kennedy Neal
 Kennelly Nelson
 Kildee Nichols
 Kleczka Nielson
 Kolbe Obey
 Kolter Olin
 Kyl Owens (UT)
 LaFalce Oxley
 Latta Packard
 Leach (IA) Panetta
 Lehman (CA) Parris
 Lehman (FL) Pashayan
 Leland Patterson
 Levin (MI) Pease
 Levine (CA) Pelosi
 Lewis (GA) Penny
 Lightfoot Perkins
 Lowery (CA) Lott
 Lujan Pickle
 Luken, Thomas Porter
 Mack Price (IL)
 MacKay Pursell
 Madigan Quillen
 Marlenee Rahall
 Martin (IL) Regula
 Martin (NY) Rhodes
 Martinez Richardson
 Mazzoli Rinaldo
 McCloskey Roberts
 McCurdy Robinson
 McDade Rogers
 McGrath Roth
 McHugh Roukema
 McMillan (NC) Rowland (CT)
 Meyers Rowland (GA)
 Mfume Roybal
 Mica Russo
 Michel Sabo
 Miller (CA) Savage
 Miller (OH) Sawyer
 Miller (WA) Saxton
 Mineta Schaefer
 Mollohan Schroeder
 Montgomery Schuette
 Moody Schulze
 Moorhead Schumer
 Morella Sensenbrenner
 Morrison (CT) Sharp
 Morrison (WA) Shumway
 Shuster

NOT VOTING—55

Ackerman Foglietta
 Alexander Ford (MI)
 Arney Owens (NY)
 AuCoin Frost
 Bates Gephardt
 Bevill Hall (TX)
 Biaggi Hawkins
 Bonior (MI) Howard
 Bonker Huckaby
 Bosco Ireland
 Boxer Jones (TN)
 Brown (CA) Kemp
 Bryant Konnyu
 Clay Kostmayer
 Conyers Lancaster
 Dingell Lent
 Edwards (OK) Livingston
 English Lloyd
 Flake Manton
 McCandless

□ 1525

The Clerk announced the following pair:

On this vote:

Mr. Shaw for, with Mr. Arney against.

Mr. THOMAS of California changed his vote from "aye" to "no."

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I rise in support of H.R. 2890, the Transportation appropriations bill for fiscal year 1988.

I am particularly pleased that this bill includes an increase of \$677,000 for Federal pipeline safety programs over the amount of the fiscal year 1987 Transportation appropriations bill. The bill provides an additional \$66,000 to increase pipeline inspector travel from 9 to 12 days per month and will allow these inspectors to spend more time in the field where they should be.

I have had a longstanding interest in the issue of pipeline safety. I have sponsored legislation in the 98th and 99th sessions of Congress to improve our Federal activities in this area. Most recently, during this session, I have sponsored H.R. 262, the Safe Pipeline Act, which calls for increased Federal inspections of hazardous liquid and natural gas pipelines and for community notification so that citizens and their local public safety agencies—police and fire departments—will have access to useful information about where hazardous pipelines are located. The authorizing committees in the House, the Public Works and Transportation Committee and the Energy and Commerce Committee, are currently in the process of moving forward with the reauthorization of this vital program, which is set to expire in September this year and I've been working closely to incorporate new policy direction and an enhanced role of RSPA pipeline safety capacity.

Last year, the Appropriations Subcommittee on Transportation, led by my colleague, Mr. SABO and chairman, Mr. LEHMAN, was successful in strengthening the Pipeline Safety Program by providing funding for the hiring of two additional inspectors in the Office of Pipeline Safety [OPS]. It is my understanding that these two additional inspectors have recently been hired and have been assigned, as directed by last year's legislation, to the OPS central region office in Kansas City. It is my hope that these additional personnel along with other OPS personnel will continue to pursue the activities which they were directed to undertake in last year's legislation, particularly with respect to a thorough examination of the operations of the Williams Pipeline Co. in the State of Minnesota.

The Williams Pipelines Co. has had a particularly poor record and has repeatedly been involved in significant spills, leaks and other accidents, including a tragic leak and explosion of a gasoline pipeline in Mounds View, MN, in my district in July 1986 which killed two people. This record prompted the Appropriations Committee to assign two additional inspectors to the central regional office last year with the specific charge to examine the op-

erations of the Williams Pipeline Co. In light of the fact that the second of these two positions was only recently filled by OPS, I am certainly hopeful that OPS and the Research and Special Projects Administration will continue to pursue the charge they were given in last year's legislation.

The recent OPS decision to fine Williams Pipeline \$115,000 related to violations of Federal regulations which were involved in the Mounds View accident gives some significant reason for OPS to continue to monitor Williams' systemwide operations with a special focus.

Finally, Mr. Chairman, I want to congratulate the chairman of the subcommittee, Mr. LEHMAN, and the members of the subcommittee for their work on this legislation, which moves in the direction of improving and strengthening the Federal role in pipeline safety.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$1,000,000, 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), \$386,700,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, \$66,300,000.

AMENDMENT OFFERED BY MR. DAVIS OF MICHIGAN

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

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Michigan: Page 7, line 10, strike "\$66,300,000" and insert "\$71,142,000".

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

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

There was no objection.

Mr. DAVIS of Michigan. Mr. Chairman, this amendment would improve or increase the Reserves for the Coast Guard.

Let me give you a little background why we need this amendment and what the Appropriations Subcommittee has done.

First of all, in the Defense authorization bill this year, we added an amendment that would require the Coast Guard Reserves to be at the level of 13,500—I am sorry, 14,000.

The President requested 13,500 and the Appropriations Committee has cut it down to 13,000.

Now, when you look at the other branches of the service, all branches of the service are at 95 percent of their personnel required for wartime mobilization, but the Coast Guard is only at 49 percent.

You may or may not remember last week on Wednesday we adopted an amendment which said that sometime within 90 days after the authorization bill should be signed into law by the President, the Department of Transportation must come back with a plan to show how the Coast Guard is going to be up to 95 percent of their Reserve personnel requirement in 10 years.

Mr. Chairman, it is absolutely necessary that we get the Coast Guard Reserve up to the same level that some of the other branches are. As I have indicated, they are only at 49 percent, when all the other branches are at 95 percent.

The administration recognizes this. The Coast Guard recognizes this, and so they asked for a manning level of 13,500. As I have indicated, we have in the Coast Guard authorization bill and in the Defense authorization bill requested 14,000. The Appropriations Committee cut it back to 13,000.

Now, if we continue at the level that the Appropriations Committee has appropriated money for, we are never going to get up to the 95-percent level that we need to; so it is absolutely essential that we add this approximately \$4.8 million to bring another 500 people on board in Reserves in order to be able to get us started on the road to get the level back up to where it should be. Even if we do this, it is going to take us a minimum of 10 years in order to get there.

The Coast Guard, frankly, has spent already this year 99 percent of their total 1987 allocations, so they have spent almost all their money to try to bring new recruits into the Coast Guard Reserves.

This is just a move to try to get the Coast Guard Reserves on the road back up to where they should be.

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

Mr. DAVIS of Michigan. I am pleased to yield to the chairman of the Coast Guard Subcommittee, the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I appreciate the gentleman yielding.

Is it not true that the Coast Guard Reserves more or less do not differentiate from the regulars. They perform a vital service, and with all the commitments that the Coast Guard has and the things that have been mandated for them, it is necessary for us to have increased Reserve strength.

Mr. DAVIS of Michigan. It is absolutely necessary, and the gentleman is

right. I frankly was kind of surprised that this got kind of lost in the shuffle in the Appropriations Subcommittee. If there is one area where I think we ought to have solid support, it would be in this area.

All we are trying to do is bring it back up to the administration's level of 13,500. As I have indicated, we have already said in the Defense authorization and in the Coast Guard authorization that we want it to be at the 14,000 level; so we are compromising between the 13,000 that the Appropriations Committee said and the 14,000 that the authorization committee said.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment. The thrust of this amendment will be once again to try to break our anticipated 302(b) allocation. As my colleague from the subcommittee, the ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN] said, this is another "open the barn door" amendment.

We are at the present time right at our anticipated ceiling. I expressed, as I said, a commitment to maintain these allocations.

The House just voted 287 to 91 not to exceed our expected 302(b) allocations.

I urge that in the same spirit this amendment be rejected and that we maintain our fiscal responsibility.

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

The question was taken; and on a division (demanded by Mr. DAVIS of Michigan) there were—ayes 9, noes 20. So the amendment was rejected.

Mr. OWENS of Utah. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may respectfully have the attention, briefly, of my distinguished friend from Florida, the chairman of the subcommittee [Mr. LEHMAN], I would like to briefly mention a situation and problem which exist in my district in Salt Lake County in reference to a planned light railway system of mass transit, and to request his assistance.

Because it did not earlier appear that the Utah Transit Authority could begin work next year on this project, which is of vital importance to Utah's economic vitality, we made no request for Federal grant funds for fiscal year 1988.

□ 1540

I will not attempt to offer an amendment today.

The gentleman from Utah in the other body, Senator GARN, is attempting to add an amendment to this bill when it is considered by the other body, directing that \$3.75 million as a discretionary grant, new systems projects money, be made available to the Utah Transit Authority for engi-

neering studies and other planning purposes during the next fiscal year.

The grant will supplement matching funds which are being raised locally, in the amount of at least 25 percent of the needed \$5 million. If Senator GARN is successful in adding those funds, I would like to ask the gentleman from Florida, chairman of the Transportation Appropriations Subcommittee, if the gentleman would make every effort to acquiesce in that initiative.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I appreciate the gentleman from Utah, bringing this to the attention of our subcommittee.

The gentleman has worked very hard on this project. It seems to be a very worthwhile project.

Unfortunately, it came in after we had already introduced our bill; but the gentleman may be assured, as the subcommittee chairman, I will do all that I can to help the gentleman in the conference.

Mr. OWENS of Utah. I cannot overstate how important the development of a mass transit system along the Wasatch front is to Utah's economic well being, as well as to our health. Salt Lake County sometimes becomes pollution laden due to its unique geographic location, a phenomenon really. We are located in a basin surrounded on all sides by high mountains; low pressure inversions often times result in Salt Lake County being overcast, during some winters for weeks at a time. The primary cause of air pollution in Salt Lake County is exhaust from the 250,000 automobiles which ply the highways every working day.

So the building of a mass transit system along the narrow band of land between the mountains and the Great Salt Lake, the Wasatch front, will have critical importance for the health as well as the economic well being not only of the Wasatch front, but for all of Utah. This grant, if we can obtain it, will mark the historic beginning of a vital long-term project which is critical to Utah's future. I am very grateful for the Chairman's willingness to lend assistance at this critical time.

I am grateful for the gentleman's consideration of our project.

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Utah.

Mr. NIELSON of Utah. Mr. Chairman, I thank the gentleman for yielding.

I support the gentleman from Utah in his observations concerning Salt Lake County and the mass transit system in that area.

I would ask the gentleman from Florida [Mr. LEHMAN], the subcommittee chairman, to give every consideration to Senator GARN's attempts.

I represent about one-third of the area, one-fifth of the population, and much of the transportation extends into my district as well; and I fully support the gentleman from Utah.

I hope that the gentleman from Florida [Mr. LEHMAN] and the ranking member will also support the request in the other body.

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

Mr. OWENS of Utah. I yield to the gentleman from Pennsylvania.

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

We are sympathetic and want to work with the gentleman.

Mr. OWENS of Utah. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$20,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources and foreign countries, for expenses incurred for research, development, testing, and evaluation.

OFFSHORE OIL POLLUTION COMPENSATION FUND

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations in such amounts and at such times as may be necessary to the extent that appropriations are not adequate to meet the obligations of the Fund: *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 \$60,000,000 in fiscal year 1988 for the "Offshore Oil Pollution Compensation Fund".

DEEPWATER PORT LIABILITY FUND

The Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as may be necessary to the extent that available appropriations are not adequate to meet the obligations of the Fund: *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 \$50,000,000 in fiscal year 1988 for the "Deepwater Port Liability Fund".

BOAT SAFETY

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred for recreational boating safety assistance under Public Law 92-75, as amended, \$15,000,000 to be derived from the Boat Safety Account 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 \$15,000,000 in fiscal year 1988 for recreational boating safety assistance: *Provided further*, That no obligations may be incurred for the improvement of recreational boating facilities.

POINT OF ORDER

Mr. HUTTO. Mr. Chairman, I raise a point of order.

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

Mr. HUTTO. Mr. Chairman, I make the point of order against the proviso found on lines 1 through 3 of page 9 of the bill. The language is legislative on an appropriations bill, and violates rule XXI, clause 2.

Mr. LEHMAN of Florida. Mr. Chairman, we concede the point of order.

The CHAIRMAN (Mr. PANETTA). The gentleman from Florida [Mr. Lehman] concedes the point of order, and the point of order is sustained.

The proviso is, therefore, stricken.

The Clerk will read.

The Clerk read as follows:

FEDERAL AVIATION ADMINISTRATION
HEADQUARTERS ADMINISTRATION

For necessary expenses, not otherwise provided for, of providing administrative services at the headquarters location of the Federal Aviation Administration, including but not limited to accounting, budgeting, legal, public affairs, and executive direction services for the Federal Aviation Administration, \$37,500,000.

OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing obligation of funds for similar programs of airport and airway development or improvement, purchase of four passenger motor vehicles for replacement only, \$3,257,550,000, of which not to exceed \$786,250,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That none of these funds shall be available for new applicants for the second career training program or for a pilot test of contractor maintenance: *Provided further*, That the immediately preceding proviso shall not prohibit the augmentation of the existing field maintenance work force if it is determined to be essential for the safe operation of the air traffic control system: *Provided further*, That section 5532(f)(2) of title V, United States Code, is amended by striking "December 31, 1987" and inserting "December 31, 1988" in lieu thereof: *Provided further*, That section 8344(h) of title V, United States Code, is amended by striking "April 1, 1986" in paragraph (2) and inserting "December 31, 1986" in lieu thereof: *Provided further*, That in the event that the Federal Aviation Administrator employs annuitants subject to section 8344(h) of title V, United States Code, not to exceed

\$10,000,000, to be derived from the unobligated balance of any appropriation available for obligation by the Federal Aviation Administration as of the effective date of this Act, shall be available through December 31, 1988, for the purpose of funding such employment: *Provided further*, That any such funding shall be reported to the Committees on Appropriations of the Senate and the House of Representatives.

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, 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; construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the lease or purchase of one aircraft; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1992, \$1,170,000,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That of the funds available under this head, \$4,000,000 shall be available for the Secretary of Transportation to enter into grant agreements with universities or colleges having an airway science curriculum recognized by the Federal Aviation Administration, to conduct demonstration projects in the development, advancement, or expansion of airway science curriculum programs, and such funds, which shall remain available until expended, shall be made available under such terms and conditions as the Secretary of Transportation may prescribe, to such universities or colleges for the purchase or lease of buildings and associated facilities, instructional materials, or equipment to be used in conjunction with airway science curriculum programs.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 11, line 15, strike "\$1,170,000,000" and insert "\$1,102,500,000".

Mr. TRAFICANT. Mr. Chairman, this is the amendment that would strike \$67½ million.

It would cut \$67½ million and would stop the closing of 56 smaller flight service stations throughout the country.

The FAA will be consolidating, if this measure is not passed, 311 flight stations nationwide into 61 major modernized centers.

I am not against the modernization and the FAA plans that they are about to undertake.

What I do oppose, though, is that by closing these smaller flight service stations, we can technically in the House here today authorize a computer to

take hold in removing people from these 56 flight service stations.

We are talking about after deregulation, many of these smaller airports have been economically depressed as it is. No. 1, the economic consequences will be there. Pursuit of cargo shipments may be damaged, but more importantly, the safety issue is the most important.

There are several outstanding court cases already in this Nation, which bring about the cause for tremendous litigation that will be ensued by many of these communities if this legislation is allowed to proceed.

Specifically in the State of Ohio, only two flight service stations would remain, Cleveland and Dayton. There is already an outstanding court case that states the FAA cannot close the Youngstown Municipal Flight Service Stations because of safety ramifications due to the unusual volatile weather conditions that erupt around Lake Erie.

We are taking the small corporation aircraft and private pilots that use these flight service stations and forcing them to rely upon a computer hundreds of miles away.

Let us not be mistaken, what looks like an attempt to add money for safety purposes is in fact the closing of these flight service stations, jeopardizing the safety in the skies. I do not believe the courts of America should decide on the safety in the skies issue. I think Congress should.

That is not saying anything negative about the committee. I believe the committee has received an awful lot of testimony. It has taken its position, but if they would be apprised of the fact that there are court cases now beginning to develop, we are opening our doors to continuing litigation, hundreds of thousands of community taxpayer dollars that need not occur.

I would like to see the modernization take hold, and I think that we can have both; and we should leave these flight service stations open and see what the effect will be with this new modernization plan.

Be advised that in Cleveland already, the congestion is such that they rely on the Youngstown Municipal Flight Service Station to about the tune of 25 calls a day for updated flight service information.

There is no easy answer, but I think a U.S. district court in New York recently issued a temporary restraining order prohibiting the FAA from closing five flight service stations in New York and Vermont.

I am asking Congress to take a very close and careful look at those developments.

Finally, I think we have to take a look at the commercial aircraft, the small commuter lines, the private air-

craft and those pilots who rely on people at flight service stations.

What we are doing now is, we are going to have pilots communicating with computers. One of the largest international airports in America, St. Louis International, has been on record as having had their computers shut down in excess of 4 hours on different occasions because of malfunctions with that system.

While I know everybody is looking to cut around here, my amendment, by the way, would cut \$67½ million. It would force the FAA to go ahead with a different program of modernization, but leave intact those 56 smaller flight service stations a part of the aviation industry that in my opinion be woefully damaged and injured by the action we would be taking here.

I think we should cut, and we should cut for the purpose of safety. I further am going to ask, since we cannot legislate on this bill, that the committee after a positive vote to cut this \$67½ million, and to leave these 56 stations open, would then move toward a policy with the FAA to provide the money necessary to modernize, and then evaluate in conjunction with these 56 stations being open.

With that, I ask for your successful support for this amendment.

□ 1550

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment of the gentleman from Ohio.

Mr. Chairman, I would like to read just a few lines from the report accompanying our bill. It says, "Because of the continuing concern about what constitutes 'as good as or better' service, the committee is directing the FAA to halt any further closures and/or consolidations of flight service stations unless the affected service area will be served by an automated flight station with Model 1 or Model 1 Full Capacity equipment."

Now the gentleman from Ohio knows in his own Youngstown area we have taken special consideration and tried to work with him on special situations. But the gentleman's motion to deduct \$67 million from this bill, I believe, we would have to consider to be pennywise and pound foolish because the flight service station automation project will save the taxpayers over \$750 million a year when completed. The consolidation plan has been underway for 5 years. And to date, we have spent over \$350 million on this automated flight service consolidation plan.

The comments that we have heard from pilots and aircraft owners to date have been positive. Their comments overwhelmingly outweigh any negative comments. Already some communities have spent millions of dollars in anticipation of this consolidation.

I strongly urge my colleagues to defeat this amendment and not see the \$320 to \$350 million that was already spent go down the drain. Give us an opportunity to have equal or better flight service and save the taxpayers \$750 million.

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

Mr. LEHMAN of Florida. I yield to the gentleman from Washington.

Mr. CHANDLER. I thank the gentleman for yielding.

Mr. Chairman, I rise to support the position of the chairman on this issue. I agree, we would be very pennywise and pound foolish to adopt this amendment. On Saturday, I flew a Cessna 182 into Wenatchie, WA. The difference between the service that I received through the flight service station, which is now manned and would not be in the future, is simply that the person talking to me over the radio would be remote as opposed to on the ground. Yes, for a private pilot it is nice to talk to somebody in person. But we are talking about a period of time when we do not have the money for that kind of luxury.

As far as the safety is concerned, there is no difference. I announce my position in the pattern, so does everybody else. That is how we know where we are. There is nobody in the tower looking out to keep us separated now. There would not be in the future.

As far as safety is concerned, I do not see that we are sacrificing anything. The FAA is trying to proceed with a sensible way of bringing about some cost reductions here while maintaining safety. It is in Cleveland where the gentleman has a problem with traffic separation. Frankly, that is where the chairman's bill is placing the emphasis on funding.

So I think the chairman is to be commended for his effort here, not to be condemned. Also what you are doing here is you are striking the modernization money which would go to Cleveland and away from these other centers.

So I want to support the chairman and I oppose the amendment.

Mr. LEHMAN of Florida. I thank the gentleman for his support. He is certainly worthy.

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

Mr. LEHMAN of Florida. I yield to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the gentleman for yielding.

No. 1, we do not want to stop the modernization program at Cleveland, let us be perfectly clear about that. No. 2, who are all these airline pilots who are coming in bragging about this new program? We have seen suits developing by the Aircraft Owners and Pilots Association of America and they have already brought litigation in sev-

eral district courts. In my opinion, \$750 million a year in savings, we are talking about that, how do you equate that with the final statistical numbers of what the safety risks might be in the sky? We do not know. We really do not know.

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

Mr. Chairman, I would like to tell my friend from Ohio that we appreciate his local dilemma in Youngstown. Our committee is going to be looking very hard at this and other specific circumstances throughout the United States. Where the phasing from the old flight service station to the new flight consolidated service stations have not been doing smoothly, that is.

Our committee is very sensitive to that. Our chairman has been most solicitous of the members' views on those particular circumstances.

But the simple fact is that the gentleman's amendment, while being of sincere intent, is equivalent to that statement that was made by a military officer sometime during the Vietnam war that, "You have to bomb the village to save it."

Put a different way, this is going after a sparrow with an antiaircraft gun.

The fact of the matter is the money in this bill, the very money that the gentleman from Ohio would seek to eliminate is money that can be used to attack the problem.

Now the General Accounting Office is not known for being a lap dog of the FAA. The General Accounting Office has issued many, many, many critical reports of the FAA and its NAS-PLAN programs. However, there is one program that the FAA is undertaking right now which the General Accounting Office has given rave reviews and that is the flight service station consolidation program. I would like to underscore the statement of my good friend, Mr. CHANDLER, that this is not a safety issue. Well over 90 percent of the pilots in this country who make use of the flight service stations do so by telephone. They do so by computer. In fact, today one might even wonder why some flight service stations are even needed. Flight service stations began decades ago when pilots did not have the availability of the weather channel, computer graphics via network television, much less through personal computers in their own homes. The fact of the matter is that today that weather information dissemination which is the key and one of the primary roles of the flight service stations has been augmented both in the private sector and through the public services that have been offered.

Furthermore, there are very few pilots today who are willing to call a

flight service station to speak in person to a flight service station personnel for the purpose of filing flight plans. It is done much more expeditiously, in a timely and accurate fashion for the pilots to use fastfile, that is filing with a recorded device to be later transcribed at the appropriate time.

As the chairman of the subcommittee has said, this program which is underway and not completely without some difficulties, as we have talked about here on this and probably many more occasions to come, it will nonetheless save \$750 million. We are 5 years into this program. I suspect that every year we go into this program we are going to have a couple of more flight service stations which have good, well meaning personnel on the ground who do not want to have their facility closed or move their families to some other consolidated location. But the fact is we have set this course. We have been on it for 5 years and we really should continue.

I ask for defeat of the amendment.

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

Mr. CARR. If I have time, I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman is it not true that in the real world if a pilot, a private pilot is going to take off and he needs to be able to get his flight plans filed, in many cases they really want to call the operations people in those flight service stations and I am told that there has been difficulty in pilots being able to get through to make contact with people just because the system has not been able to accommodate the flow of traffic.

A number of pilots have just gone and taken off without even having permission, because it has become such a difficult thing for them to make the kind of contacts that they are used to making.

Mr. Chairman, I wonder if the gentleman would comment on that.

Mr. CARR. I would be glad to comment on that.

First and foremost, Mr. Chairman, if you are flying VFR in this country, you do not have to file a flight plan. It is recommended and almost every pilot will do so.

No. 2, when you call a flight service station personnel you are not calling them—

The CHAIRMAN. The time of the gentleman from Michigan has expired.

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

Mr. CARR. The purpose of the call is to really get what is perhaps the weather if they have not gotten it from some other means, but to file that flight plan. The flight plan is a

sequence of data which are quickly coded. You do not really need to talk to a person on the other end to file your flight plan.

Obviously if you are flying IFR you have to file a flight plan.

Now to the gentleman's question about congestion, it is manifest that at many flight service stations particularly the unconsolidated flight service stations, there is tremendous congestion. There is not the modern phone lines, there are not the modern automated equipment to receive your flight plan before there is an available person on the phone.

As a result, many pilots, myself included, I have many times called flight service stations hundreds of miles away from my location to find a flight service station where I could get something filed, because the modernization had not progressed.

I would submit to you, my good friend, that if we allow this consolidation to go forward, yes, we are going to have difficulties, yes we are going to have people walking into courts and getting automatic TRO's.

Yes, there will be flight service station personnel who will not want to be dislocated; but private pilots in this country are committed to the consolidation. We want this money to go forward. We want to hold the FAA's feet to the fire to make sure that it is funded with the utmost of quality. That is what this bill does, that is what this committee report does. I would appreciate the gentleman's support in opposing the amendment.

Mr. KASICH. If the gentleman will yield further, I have had personnel in my district tell me that even though they have tried to consolidate, for example, the flight service station with their modern apparatus in Hartford, CT, for example, many pilots who need to file their flight plans in Hartford, CT, for their return flight to Columbus are actually calling Columbus because they are not able to deal effectively with Hartford, CT. So they are out there in Connecticut and they are calling Columbus even though the new equipment is already in Connecticut.

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

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

Mr. CARR. My good friend is absolutely accurate. But the flight plans are dumped into a central computer. Where they are filed, what physical location around the country is really immaterial. The flight plan needs to be filed someplace. It would be nice to do it with a local phone call. That is going to be happening with the consolidation. So the gentleman really does not need to worry. It is right now a massive inconvenience if he cannot

find enough phone lines available at the unconsolidated flight service station, you have to incur long distance charges to get someone on the phone to file. But this is all going to be taken care of.

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

Mr. CARR. I yield to the gentleman from Ohio.

Mr. TRAFICANT. I thank the gentleman for yielding.

Mr. Chairman, in the 2½ years I have been here I have followed the gentleman very carefully on the floor. The gentleman has a very pragmatic approach and I agree right now he is being very pragmatic.

I believe the interests of the appropriations committee are top notch. I believe this chairman has done everything possible to protect the skies in America.

The question I would have to ask the gentleman is twofold: what if the computer malfunctions, No. 1; and No. 2, I think very importantly, why do we have to improve safety by modernizing one system at the expense of throwing out a system that has been proven to work for the smaller aircraft at municipal airports in this country? I think we can do both. I think we should set up a priority on safer skies, inclement weather conditions and we should make those improvements at the major airports, absolutely. But it should be part of an integrated system that would be intertwined with those local systems that even maximize further their safety opportunities.

I cannot for the life of me believe we would deregulate in the first place and damage many of these small flight service stations and then, second of all, take their flight service stations away and threaten their skies.

In the Youngstown case, we are talking about seven employees.

Ladies and gentlemen, that is not a lot of employees.

□ 1605

I am talking about the safety issue. Perhaps with this modernization, I say to the gentleman from Michigan [Mr. CARR], we could have maybe a reduced staff in the future with three to four people, but we could have both. I think when it comes to the skies, we should have our cake and eat it too.

I have one statistic that I would like to close with, and that is that nobody can deny the propensity for midair collisions in the skies.

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

(On request of Mr. CHANDLER, and by unanimous consent, Mr. CARR was allowed to proceed for 2 additional minutes.)

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

Mr. CARR. I am glad to yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, I hope we do not get emotional on this issue. The question was raised, what if the computer goes down in the remote flight station? With or without personnel, they are shut down. That is the whole point the gentleman from Michigan was making.

Mr. CARR. Mr. Chairman, if I could say this, I think there is a fundamental misunderstanding by some here about what flight service stations are all about.

Mr. CHANDLER. That is obvious.

Mr. CARR. In the early days and now, even in the unconsolidated flight service stations, a pilot will call the flight service stations personnel, take down the information, and the flight station personnel will then put it into the computer.

Mr. CHANDLER. That is right.

Mr. CARR. The computer is already a fact of life in either the consolidated or the unconsolidated. What in fact the consolidation will do, however, is bring the computer more to the real time of the pilot. If the pilot has a personal computer in his home, he is going to be able to access the computer directly from home, not having to go through a person standing there. If they want to have a person standing there, there will still be some people there, but most of these pilots are people who are familiar with technology and who want the information. They do not care how it is delivered or by what means flesh and blood might be delivering it.

Mr. CHANDLER. Mr. Chairman, if the gentleman will yield once more for one moment, on the other point about the delays the gentleman from Ohio raised, yes, there have been some delays in being able to access by telephone these flight service specialists at the remote centers or at the consolidated centers. That is something the FAA is working very hard to try to improve, and this committee has appropriated money that the gentleman wants to strike to further improve that capability. So if we are trying to improve the situation as it exists today, then we should oppose this amendment because this amendment would be used to improve the system.

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

(On request of Mr. TRAFICANT, and by unanimous consent, Mr. CARR was allowed to proceed for 2 additional minutes.)

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

Mr. CARR. I am glad to yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, No. 1, let us consider safety just briefly here. Why do we have to talk about safety at the expense of a system that

has worked for a part of that needy public out there? That is No. 1.

No. 2, most of the language that is coming out of these airport managers at these 56 airport stations is saying that they are worried that the pilots will begin taking risks, moving off without adequate weather information and necessarily filing their flight plans. These are the types of litigation problems that are going to ensue from this.

I assure the Members that Youngstown will go to court on this issue. The northern district of New York already has five of these stations before the court. We are opening up Pandora's box here, and all of the safety talk is not necessarily about safety.

I think we should modernize, absolutely, but I do not think we should shut down those flight service stations for that part of the aviation consuming public who relies on them. I think it is time that we have some people with hands on. Computers are great. We have the greatest computers in the world on our airplanes. Do we have pilots in them? Absolutely; we do.

Mr. Chairman, I think my amendment would force that type of a quality decision.

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

Mr. Chairman, I want to relate the concern I have. I have a station in my district in Columbus that may in fact be closed. We are a major operation, with the largest airport in the State of Ohio, and we may be consolidated with an operation in Dayton that has less traffic than we have in Columbus.

I had an opportunity, along with the gentleman from Ohio [Mr. WYLIE], to meet with the people who are out there doing this job, and I have also met with some people in the Government to talk about our concerns and share our concerns about what would happen if our place is consolidated.

I say to the gentleman from Michigan that it is very difficult for me to understand how we would consolidate our operation which is bigger than it is anywhere in the State in Columbus, which is the largest city in the State and a growing city, the only city east of the Mississippi and north of the Mason-Dixon line with growth in the last decade; it is difficult to understand why we would have our facility shut down.

This decision was made in the early 1980's. We did not do everything we should have done in the city of Columbus to keep this facility open, but now I look at it, and I am the Congressman. I am now the Congressman, and I understand they are going to maybe close this facility down.

My pilots in Columbus are going to have to call Dayton. My pilots in Columbus feel more comfortable, and honestly we can understand why they

would feel more comfortable, to be able to deal with the local flight service station right in Columbus rather than having to get on the phone and call Dayton to inquire about weather conditions or whatever.

Now they tell me that people who are in these consolidated modern facilities are still calling Columbus, and to me it does not make an awful lot of sense. I know that the FAA is going to do everything it can to provide for safety. Sure, they are going to try to do that, but I would feel better, I would feel more comfortable if my pilots in the largest city in my State, in the largest operating airport in my State, had a flight service station they could communicate with and feel as good as they need to feel in order to operate their aircraft.

I suppose I am going to have to support this move that is slowing this whole thing down. I know that the gentleman from Washington [Mr. CHANDLER] said that the FAA is doing everything they can to try to get this thing on line, but I do not know that that makes me feel very comfortable. Again we have the Government involved here, and it seems to be removed. This is at a time when every time you pick up the newspaper you are reading about close calls and tragedies.

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

Mr. KASICH. I am glad to yield, because I want to be responsible on the issue.

Mr. CARR. Mr. Chairman, the gentleman is responsible and he represents his community well.

I would relate my own personal circumstances. Pontiac, MI has the largest general aviation field in all of the State of Michigan. It has flight operations that are akin to Detroit Metropolitan Airport, and it is only general aviation. Yet all of our pilots must place a phone call and that phone call is answered in Lansing, MI, up in the district of the gentleman from Michigan [Mr. SCHUETTE], at the airport up there.

The fact of the matter is, I tell my friend, that we have a problem that I think is transient. Airports have a sense of community about them, so naturally the pilots at the gentleman's airport are going to want to call there and speak to their good old friend, Joe, over at the flight service station, and they are going to feel a common bond there.

Let me say to the gentleman that most of the pilots only want the information. They do not care where it comes from. It is just like when you call a computer reservation service for one of the airlines to get your seat to go home; you do not know where that phone is answered. It could be answered in Seattle, WA. You care about

getting your reservation and having it accurate. You do not care where the person on the other end of the line is located physically.

It is the service we are keying in on here. It is the service that this bill contains the money to improve. We want to improve service. Yes, that will mean that some of the sort of good old boys around some of the airports in the country just are not going to be able to call old Fred over in the flight service station anymore, but we are going to improve service, and that is what is going to improve safety.

Mr. KASICH. Mr. Chairman, let me say this, though, to the gentleman from Michigan: if you are going to have a big family picnic in Pontiac—is that where you said it was?

Mr. CARR. Right.

Mr. KASICH. Where are you going to call for the weather? If you are going to book a reservation on an airplane, it does not matter whether you call Detroit or Chicago because you are all going to be booked on the same plane, but if you want to get the weather for your family picnic this weekend, are you going to call Pontiac, MI, or are you going to call somebody else's hometown which is 400 miles away?

Mr. CARR. Mr. Chairman, if the gentleman will yield further, I would be glad to explain this to the gentleman. Each and every airport has weather reporting. That, too, is fed into a computer, and that, too, is printed out no matter where it occurs in the United States, where anybody is asking for it. Somebody in Seattle might call up flight service and ask, "What is the weather in Pontiac?" And they could get it.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

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

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

Mr. KASICH. I am glad to yield to the gentleman from Michigan.

Mr. CARR. In other words, Mr. Chairman, the presence of the flight service personnel is not the driving factor in whether weather is reported at all.

Mr. KASICH. Let me say this to this gentleman. If we are going to have four flight service stations in Ohio, Cleveland, Youngstown, Columbus, and Dayton, and we then consolidate the four stations down to two, does it not make common sense that that is going to pose difficulty with an incredible influx of calls into the remaining two facilities? Particularly when we have more planes in the air, why would we want to consolidate a great number into a few when we have a growth in aircraft?

Mr. CARR. Because the capacity of the computers and the technological installation at the consolidated flight service stations is going to be vastly superior to all of the individual stations.

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

Mr. KASICH. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, let us be advised that Akron's would be closed as well.

I have two points I want to make. We say naturally the pilot wants to call Joe because he knows Joe. Yes, he knows Joe, and there is that feeling of communication and safety that is built into this system.

Second of all, let us talk about all the great computers in the aviation industry. Show me one major commercial airline that does not have the greatest up-to-date computers known to man. You do that and then try to find your luggage.

I think we are talking about the fact that there are no systems that are totally perfect.

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

Mr. KASICH. I am glad to yield to the gentleman from Michigan.

Mr. CARR. Mr. Chairman, on that last point, again I would like to emphasize that even under the old unconsolidated system, computers were the heart of it. There were many times flying back and forth from Washington to my district when I called to get my flight plan and it was not there because a computer went down someplace and we had to reconstruct it.

But the system has integrity. Pilots and controllers work around these problems. Laying the whole consolidation on to some new-fangled computer is simply not the case.

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

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

Mr. DYSON. Briefly, I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I appreciate the gentleman's yielding.

I just want my friend, the gentleman from Michigan, to understand my concern about this, and I appreciate his answers. I am not settled on this, this has not solved my problem but I am glad the gentleman answered my questions directly. But I want the gentleman to understand where I come from on this whole issue because it is something that I am deeply concerned about.

Mr. DYSON. Mr. Chairman, I, too, have concerns about this amendment, and the subcommittee knows very well that I have discussed this issue of the consolidation of flight service stations with them over the last 2½ years.

I heard my colleague, the gentleman from Michigan, talk about calling up Fred or Joe for information back at the airport. That is not a bad idea. Just a couple of weeks ago, sitting in this Chamber, when we were about to experience a very heavy thunderstorm, I walked out of here and received a weather report indicating that in my area of the Eastern Shore and southern Maryland, we were to expect high winds and hail. Eventually what touched down was a tornado, a very unusual phenomena in Maryland's First Congressional District. It was something that the weather bureau did not anticipate.

This is what we are talking about. This is what I think the gentleman from Ohio is talking about in his amendment.

What they propose to do on the Eastern Shore of Maryland is this: In Salisbury, which is the second largest airport in the State, the FAA would consolidate the flight service station and merge it with Leesburg, VA. In essence we would have somebody at the Leesburg Air Route Traffic Control Center telling a pilot arriving in Salisbury, MD, what kind of weather to expect on Maryland's Eastern Shore. This airport is located between the Atlantic Ocean and the Chesapeake Bay, a region of unpredictable weather patterns.

I do not believe we are going to be able to get anybody in a place like Leesburg, VA, that is going to be able to give the kind of on-the-spot weather information that we are going to need in Salisbury, MD.

I feel this situation has been muddled just a bit when Members have talked about filing flight plans. I think if one is going to take a flight to New York, you could probably file your plan in Los Angeles. That would not make a whole lot of difference. But, if you are going to be arriving in an airport where there is an existing flight service station, those individuals on the ground can tell you what kind of weather and what kind of environmental conditions you are going to face.

The issue of jobs keeps coming up. I do not want to lose any more people in my district to unemployment, but we are only talking about, in some districts, I think, seven or eight people, and I will even have less than that. Let me emphasize that every one of those jobs is very important. But that is not our reason for being here. Our real reason is safety!

I have a lot of confidence in this subcommittee. I do not have that same kind of confidence in the FAA. They have just not done a good job. These airports and these flight service stations in rural areas also mean something in economic development.

□ 1620

We are not going to have economic development if these things are moved and consolidated in another location, in my case in another State, Leesburg, VA.

Mr. Chairman, I think the consolidation plan is a very bad idea, because I feel the FAA is trying to rush into it prematurely.

I endorse the amendment of the gentleman from Ohio.

I feel we should look very closely at what the gentleman is proposing after taking into account the present state we find the FAA. I for one do not feel that air travel is any safer, or will become any safer with the closing of the 345 flight service stations throughout this Nation. A week does not go by, Mr. Chairman, when I can pick up a newspaper or turn on the television and see an air traffic accident or "near miss."

Mr. TRAFICANT's amendment will remove \$65.5 million from the Department of Transportation's budget for fiscal year 1988. The FAA has embarked on a consolidation program which would eventually close 345 stations and combine them into 61 automated stations. This amendment would prevent the FAA from carrying out its proposed schedule.

I have serious reservations about this program of the FAA. I have reservations about this because I think what they are doing will be placing in jeopardy those general aviation pilots who use airports in mostly rural communities and need the services of the individuals at the flight service stations.

I feel by closing the flight service stations prematurely, without first having the fully automated systems in place is a great mistake. I think I, like a majority of my colleagues, have developed some anxiety over the ability of the FAA to protect us in the skies. We can ill afford to be reducing services to pilots at a time when airway safety is becoming increasingly unsafe.

A flight service station provides irreplaceable services to general aviation aircraft pilots who usually fly their own planes. Flight service stations are primarily located at rural airports and airstrips throughout America. The flight service station in Salisbury, serves pilots who fly through the Eastern Shore and southern portions of Maryland. Farmers, small business people, military pilots, beach goers, and the Maryland State Police Medevac Unit are just some of the groups who depend on the information provided by this flight service station. This air corridor is one of the busiest in the country and it is important that the FAA provide pilots in this region with the most current and accurate information available.

Mr. Chairman, I want to make it perfectly clear that I do not oppose the concept of the automated flight service station, but I do oppose the method in which the FAA has been closing these stations. Recent hearings in Congress have pointed out the serious lags in service to pilots caused by the consolidated process. It is apparent that some communities will never have the service they have come to trust. I realize that there are always going to be a few problems that will have to be worked out of a new system; however, the FAA has

compounded these problems by closing stations too hastily.

The rural communities are the ones who are most affected by lags in service. These are the pilots who most depend on the flight service station. When services to these pilots are reduced, we are compromising air safety. I do not believe we should be reducing an important element of safety by limiting information to pilots. Make no mistake, the hasty closing of these stations will have an impact on businesses, farmers, and medical services to rural communities.

We have an opportunity to once again prevent the FAA from proceeding with the consolidation effort without sufficient attention to the needs of those communities which most depend on the services provided by the FAA personnel. Repeatedly, the FAA has been asked if there was any criteria in the selecting which sites will close last. The former FAA Administrator, Donald Engen, has testified that he would give consideration to stations where unusual weather was a factor. Mr. Engen stated that between two major bodies of water would be such a station to be considered because of unusual weather patterns. Well, the Salisbury Flight Service Station is scheduled to close this fiscal year, and it is located between the Atlantic Ocean and the Chesapeake Bay.

This amendment is still needed to prevent unnecessary closings and disruption in service. The FAA needs to pause briefly to establish a logical order on "last-to-close" stations and pay more attention to the impact on safety and economic development in rural areas.

If automation is the best service, then I wholeheartedly support it; but, at this time, it is proving to be disruptive to air safety at a time when we can least afford it. I realize that significant investments have been made toward automation; however, we must be assured it is implemented properly. When the FAA recognizes the importance of this service to rural communities and proceeds without disrupting it, then I will support a consolidation effort.

Mr. Chairman, I hope this amendment sends a strong, clear message to the FAA that we in Congress want a better and much safer air traffic service. We would like to see the best possible service provided to the thousands of pilots and their passengers that fly this Nation's skies every day.

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

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

Mr. CARR. Mr. Chairman, I would like to make just a couple of points about what the gentleman has said. I know the gentleman fought very hard for his area and should be commended by the people he represents. But I think the gentleman also knows that the FAA is planning to have a satellite flight service station in areas where surface weather is particularly a problem.

There has been a lot of discussion, and the gentleman has contributed to some of it, about weather observations. Weather observations can be made by automated mechanisms, they

can be made by human observation. Flight service station personnel frequently make weather observations.

Also, we have contract weather observers who are highly trained and can do the job at very, very low cost. I would tell the gentleman the portion of time that the flight service station personnel actually observe the weather is a very, very small part of their duties. It is done once every hour and it takes but a very few short minutes.

But I would also tell the gentleman that what they observe is surface weather phenomena. They do not observe weather at altitude and surface weather is very important to pilots who are about to land at an airport say with ground fog. But I would also tell the gentleman in the years that I have been flying, the weather observations of flight service personnel, while being very accurate, are largely immaterial to the aloft weather situation that the pilot is confronting until just before he lands.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. DYSON] has expired.

(On the request of Mr. CARR and by unanimous consent, Mr. DYSON was allowed to proceed for 1 additional minute.)

Mr. CARR. If the gentleman will yield further, I would not oversell the portion of weather observer function of a flight service station person. They are there essentially to disseminate weather nationwide, not just locally. They are there to take and file flight plans.

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

Mr. DYSON. Mr. Chairman, the gentleman from Ohio, the offerer of the amendment, has talked about approximately 56 closures in the upcoming fiscal year. We are also eventually looking at what the FAA would like to do, which is to close approximately 345 of these stations in almost every State of this country.

Again, I do not think I can emphasize enough how concerned I am that these closures would result in greater risk to the flying public. I would prefer to have somebody on the ground telling me and the pilot what to expect. I know wind sheer is something that a pilot is going to face closer to the runway than he is up at some higher altitude. That immediately is something that ought to be considered.

I believe that the FAA has gone into this in a haphazard way and has not given the kind of consideration to it that a situation like this demands.

I am impressed that the committee and the gentleman from Michigan have offered satellite adjunct stations as a substitute. At this time, we have only received promises. Aside from the

few people who will lose their jobs, which is a concern of mine, I am more concerned about the people that fly in and out of the airport. For instance, Members of Congress going to Ocean City, MD, for a vacation, are no longer going to have available to them the use of those facilities. Instead, they are going to be using a facility out of Leesburg, VA, and receiving information from that center.

I just do not think that is the way we ought to be running this show.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I do not plan to take my 5 minutes, but let me say that I sympathize with my colleague from Ohio, my colleague from New York and my colleague from Maryland. But this is not the way to do it.

Let me just say what the gentleman from Ohio [Mr. TRAFICANT] has done in his amendment is to eliminate the money for facilities and equipment to provide for automatic service. The FAA's budget assumes under operations that a certain amount of flight service stations that are not automated will be closed down. So what the amendment will do is nothing to provide for the continuation of those flight service stations, but eliminate the automated facilities and equipment from being provided, and have the worst of both worlds. We will have neither the funds for the existing flight service stations nor the funds for the automated equipment to replace them.

So that is the worst of both worlds. That is certainly something we do not want to do.

I say that although I sympathize with what the gentleman is thinking, I certainly think this is the wrong way to do it. It would be a disaster, and I urge defeat of the amendment.

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

Mr. COUGHLIN. I am happy to yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, there is no other way at this time, without an authorization bill, that we can legislate on an appropriation bill. It would be out of order. So it is necessary to take the action that is brought forward today, but through authorization and the review process we can thus authorize and handle the matter of updating this with modern equipment at the major airports and continuing on with the solid program we had at the local level.

Mr. COUGHLIN. If the gentleman will allow me to reclaim my time, I agree with the gentleman. This is an authorization question. The gentleman should take this to the authorizing committee.

But the worst thing we could do, because the FAA's funds under oper-

ations do not provide the funds for operating all of the existing flight service stations, the worst thing we could do is eliminate the money for the automated equipment to replace those, and I suggest to the gentleman that he take his question to the authorizing committee.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Traficant amendment.

This amendment would prevent the closing, I believe, of the Meridian, Jackson, and McComb FAA stations.

The FAA wants to consolidate these stations into one big station in each State.

This amendment would not only save the small FAA stations over the country but saves over \$65 million of building new facilities.

I ask my colleagues to support this reasonable amendment.

Mr. HARRIS. Mr. Chairman, I rise in support of the Traficant amendment.

The closing of the flight service stations will adversely affect my district and I believe that the safety of the traveling public will be jeopardized.

I urge my colleagues to support the Traficant amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names.

[Roll No. 257]

Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
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Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Borski
Boucher
Boulter
Brennan
Broomfield
Brown (CO)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney

Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
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Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Erdreich
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Evans
Fascell
Fawell
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Filippo
Florio
Ford (TN)
Frenzel
Gallegly
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Garcia
Gaydos
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Goodling
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Gray (IL)
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Hall (OH)
Hamilton
Hammerschmidt
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Hayes (IL)
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Inhofe
Ireland
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
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Jontz
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Lewis (CA)
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Lightfoot
Lipinski
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
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Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
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Meyers
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Mica
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Miller (CA)
Miller (OH)
Miller (WA)
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Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrzcek
Murphy
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Myers
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Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
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Penny
Pepper
Perkins

Petri
Pickett
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Porter
Price (IL)
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Regula
Rhodes
Richardson
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Robinson
Rodino
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Salki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snow
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer

Vucanovich Weldon
Walgren Wheat
Walker Whittaker
Watkins Whitten
Waxman Williams
Weber Wise
Weiss Wolf

Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)
Young (FL)

Feighan
Fields
Florio
Foley
Ford (TN)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
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Goodling
Gradison
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Grant
Gray (PA)
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Guarini
Hall (OH)
Hamilton
Hammerschmidt
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Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Kaptur
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Lewis (CA)
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Lewis (GA)
Lightfoot
Lowery (CA)

Lowry (WA)
Lukens, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martinez
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McMillan (NC)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (WA)
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Mollohan
Moorhead
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Price (CA)
Pursell
Rangel
Ravenel
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Rodino
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal

Sabo
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Snowe
Solarz
Spence
Spratt
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Torres
Torrice
Traxler
Udall
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Whittaker
Whitten
Williams
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (FL)

Mr. HOYER and Mr. HAYES of Illinois changed their votes from "no" to "aye."

So the amendment was rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$161,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

AMENDMENT OFFERED BY MR. GLICKMAN

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

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 12, line 15, strike "\$161,500,000" and insert in lieu thereof "\$175,000,000".

Mr. WALKER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. GLICKMAN. Mr. Chairman, I would hope that the gentleman from Pennsylvania would not raise a point of order.

We have previously had a couple of amendments offered similarly to mine that no point of order was raised.

They were voted down by the committee, and I had not intended to ask for a rollcall vote on this amendment. I have been cooperating with the committee in terms of previous discussions on previous amendments, and so I would feel constrained to object to the point of order, if it is in fact offered.

This amendment concerns air safety. I offer this amendment along with the gentleman from Illinois [Mr. Russo], the gentleman from Oklahoma [Mr. McCURDY], and others who are concerned that we are building an enormous balance in the airport trust fund and that money is not being used to do the kinds of air safety-related activities that the public demands every time they fly on an airplane and pay a ticket tax.

Hardly a day goes by without reports on midair collisions, scheduling and delay hassles.

Last week we almost lost 600 people over the Atlantic Ocean.

□ 1700

That is when the Delta Airlines and Continental Airlines plane nearly collided over Newfoundland.

As the Washington Post put it today, "Air travel has become a flight-

□ 1635

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Three hundred eighty-four Members have answered to their names, a quorum is present, and the committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. TRAFICANT] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will state this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 292, not voting 42, as follows:

[Roll No. 258]

AYES—99

Applegate	Flippo	Morrison (WA)
Bennett	Gonzalez	Murphy
Bentley	Gordon	Nelson
Bereuter	Gray (IL)	Nichols
Biaggi	Harris	Nielson
Boggs	Hatcher	Nowak
Boucher	Hayes (IL)	Oakar
Bruce	Hayes (LA)	Oxley
Byron	Hefner	Quillen
Campbell	Hopkins	Rahall
Carper	Hoyer	Regula
Chappell	Hubbard	Robinson
Clarke	Huckaby	Rogers
Coats	Jones (NC)	Russo
Cooper	Jones (TN)	Savage
Craig	Jontz	Sawyer
Daniel	Kanjorski	Skeen
Daub	Kasich	Smith (NE)
Davis (MI)	Kolter	Smith, Robert (OR)
DeFazio	LaFalce	Solomon
Dellums	Lancaster	Staggers
DeWine	Latta	Stallings
Dorgan (ND)	Lipinski	Stratton
Dowdy	Lott	Stump
Duncan	Lujan	Towns
Durbin	Manton	Traficant
Dymally	Martin (NY)	Valentine
Dyson	Matsui	Vucanovich
Eckart	McGrath	Wheat
Emerson	McHugh	Wise
Erdreich	McMillen (MD)	Young (AK)
Espy	Miller (OH)	
Evans	Montgomery	
Fish	Moody	

NOES—292

Akaka	Bonior (MI)	Coughlin
Anderson	Borski	Courter
Andrews	Boulter	Coyne
Annuzio	Brennan	Crane
Anthony	Brooks	Crockett
Archer	Broomfield	Dannemeyer
Aspin	Brown (CO)	Darden
Atkins	Buechner	Davis (IL)
AuCoin	Bunning	de la Garza
Badham	Burton	DeLay
Baker	Bustamante	Derrick
Ballenger	Callahan	Dickinson
Barnard	Cardin	Dicks
Bartlett	Carr	Dingell
Barton	Chandler	DioGuardi
Bateman	Chapman	Clay
Bellenson	Cheney	Conyers
Berman	Clinger	Dornan (CA)
Bevill	Coble	Edwards (OK)
Bilbray	Coelho	English
Bilirakis	Coleman (MO)	
Bliley	Coleman (TX)	Edwards (CA)
Boehlert	Collins	Fawell
Boland	Combest	Fazio
Boner (TN)	Conte	

NOT VOTING—42

Ackerman	Flake	McCandless
Alexander	Foglietta	McEwen
Armer	Ford (MI)	Morella
Bates	Frost	Owens (NY)
Bonker	Gephardt	Ray
Bosco	Gunderson	Roe
Boxer	Hall (TX)	Roemer
Brown (CA)	Hawkins	Rostenkowski
Bryant	Howard	Scheuer
Clay	Jacobs	St Germain
Conyers	Kemp	Tauzin
Dixon	Lent	Thomas (GA)
Edwards (OK)	Livingston	Wilson
English	Lloyd	Wylie

□ 1650

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

mare." It is time we in Congress take some real action to turn this situation around. My amendment would add \$13.5 million. These are dollars requested by the FAA, requested but not approved by the Office of Management and Budget nor by this committee.

I would say the Committee on Appropriations headed by Mr. LEHMAN did a fine job in adding some moneys back that the administration cut but we are still below the FAA's requested levels in aviation weather, in wind shears, in terminal weather radar, in cabin fire safety, in human factors involving aviation including controller interaction with advanced aircraft and control system, with navigation, with airport capacity.

My amendment would add \$13.5 million into this bill, all funds that were requested by the FAA when they made their budget presentation to the Office of Management and Budget.

I am very open and candid with my colleagues. This is not a cutting amendment. This is one of the first addition amendments that has been added on this floor since I have been in Congress this year. But when I go home my constituents say to me, "We want you to cut everything but please spare us further cuts in the safety of our airways. Please save us from midair collisions. Please save us from airports which are so crowded that the safety of the flying public is jeopardized."

There is no parochial gain for any of us in supporting this additional money except gains in the lives of our constituents and the lives of the flying public in America.

Now the committee has done a good job in keeping the funds as high as they believe that they can. I just do not believe that they are high enough to protect the flying public, particularly in the area of aviation weather, particularly in the area of navigation of airplanes.

So I have sought to add this additional money which will protect the public of the United States and the world against future airport and airways accidents.

The other thing I would say to my colleagues is this: Every month we accumulate \$250 million in the airport trust fund, every month; \$3 billion a year. That money should be spent on safety. It is not being spent. The airport trust fund really ought to be off the unified budget onto its own budget so that money will be spent on safety-related things. But our constituents are nervous and scared about flying. It is time that we put our money where our mouths are, it is time we fund the future of aviation safety, weather, navigation, airport capacity and the like. This amendment merely adds money that the FAA requested in

their submission to the Office of Management and Budget.

I offer it with a goal of trying to increase safety in America. I also offer it with the goal to vent my frustration about this airport trust fund; \$7 billion, \$8 billion, \$9 billion in there and we cannot get it spent on safety things because of the way the trust fund operates.

So I would appreciate my colleagues' support on this amendment. I offer this as a way to try to focus national attention on the issue of air safety which our overwhelming majority of Americans believe is a high enough priority to deserve more spending, not less.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I insist on my point or order.

The CHAIRMAN. Does the gentleman persist with his point of order?

Mr. WALKER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized on his point of order.

Mr. WALKER. Let me say to the gentleman from Kansas first it is my understanding this is the first time that this point of order would be available in the course of the deliberations today. Some of the other amendments did not have the point of order raised against them. In this particular case I make an objection to the amendment, it is in violation of section 302(c) of the Budget Act.

The CHAIRMAN. Does the gentleman from Kansas wish to respond?

Mr. GLICKMAN. Mr. Chairman, I am not going to concede the point of order, because I think that we may be establishing a precedent here and I would like to see the Chair work for his money today and rule on this issue.

As I understand it, the Appropriations Committee has not made an allocation pursuant to section 302(b) of the Budget Act and this particular subcommittee has no such allocation before it and as a matter of fact I am told that this morning they voted down an allocation reflecting the transportation portions of this bill. Inasmuch as there is no pending allocation pursuant to section 302(b), I submit to you there is no reason why I cannot offer this amendment to add funds under the general bill. Second of all, the rule waives points of order under the Budget Act. I would submit that since it waives points of order under the Budget Act itself it also waives points of order with respect to amendments offered under the Budget Act. Third of all, Mr. Chairman, there have been previous amendments offered that would increase funding including Mr. LEHMAN's own amendment to increase the Coast Guard authorization appropriation by \$30 million together with Mr. JONES of North Carolina. So for the following reasons I would urge the Chair to reject, over-

rule the point of order raised by the gentleman from Pennsylvania.

The CHAIRMAN. [Mr. PANETTA]. Is there anyone else who wishes to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Pennsylvania makes a point of order that the amendment offered by the gentleman from Kansas violates section 302(c) of the Budget Act. That section of the Budget Act prohibits consideration of bills, resolutions, or amendments that provide new budget authority within the jurisdiction of a committee until that committee has made the allocations required by section 302(b) of the Budget Act. Although the Appropriations Committee has received an allocation of new budget authority following adoption of the budget resolution, the committee has not filed its report subdividing that allocation among its subcommittees as required by section 302(b). Thus it was necessary for House Resolution 221 to waive the point of order under section 302(c) in order to permit consideration of this bill. House Resolution 221, however, which is the rule, does not apply to amendments providing new budget authority. The amendment offered by the gentleman from Kansas by increasing the amount of new budget authority in the bill provides new budget authority prior to the Appropriations Committee reporting its allocations as required by section 302(b). The amendment thus violates section 302(c) and the Chair sustains the point of order.

The Chair would add that with regard to other amendments that points of order were not raised. The Budget Act applies to each amendment separately. The mere fact that other amendments did not receive a point of order does not argue against a point of order with regard to this amendment.

So for those reasons the Chair sustains the point of order.

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

Mr. Chairman, I want to take just a couple of minutes because I am sorry that the gentleman from Pennsylvania offered a point of order on an issue involving air safety, which I think is the number one priority in America with respect to the function of government. But this problem will not go away. It has been raised by Mr. Russo, Mr. McCURDY, Mr. MOLINARI. The fact of the matter is that we are underfunding the research, engineering and development which are going to prevent crashes, through bad weather, which are going to prevent midair collisions. They affect everyone of our constituents.

The committee has done a good job, but just not good enough as far as I am concerned in terms of the funding

level. And we face a trust fund which is brimming with dollars and it is not being spent on safety. That is a crime against the American public.

So even though Mr. WALKER's point of order was sustained, I do not think we as a Congress should let this issue die. I would hope that my colleagues would continue their efforts to do whatever we can to deal with these long-range air safety related issues.

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

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

Mr. CARR. I thank the gentleman for yielding.

Mr. Chairman, the gentleman's interest in aviation safety is well known. He is a good friend of all of ours. But I would just like to bring the tone of the debate down here a little bit. Number one, the gentleman made several references to the near-miss over the mid-Atlantic. If all of this money in the trust fund were spent it would not have had an impact on that. That was miles away from controlled air space by the U.S. Government and I think is a red herring.

The gentleman himself knows that one of the reasons there is this huge surplus in the aviation trust fund is because the FAA is not on target, not on their planned targets with respect to the NASMPLAN, the National Air Space Modernization Plan. If they were, most of this surplus would disappear. So it is not an artificial surplus that has been held back by Congress in the face of dangerous flying. It is I think owing to FAA's mismanagement.

I would remind the gentleman that this bill we are presenting to the Congress today is 14 percent higher than last year in the account that he is talking about, research and development. And for FAA overall it is 32 percent higher than last year. And the point again about near misses and midair collisions, this committee has fully funded the TCAS program which as the gentleman knows is collision avoidance system. So we are pursuing that as fast as we can.

So I would hope that we would all keep the FAA's feet to the fire. But I would plead to the gentleman not to create mass hysteria among the flying public about who is right and who is wrong in terms of aviation safety.

Mr. GLICKMAN. The gentleman knows more about aviation safety than most Members of Congress, but if you were on that Delta airplane leaving LAX that just about went into the ocean, you would be hysterical. If you were on an airplane in the midocean, in the Atlantic Ocean that just about collided with a Boeing 747 you would be hysterical. The fact of the matter is the monies that we have got in this bill and in the trust fund will move these solutions along faster. I know the committee is keeping on top of it.

I just think we can make a more accelerated movement in that respect.

Mr. CARR. I will tell the gentleman he references another incident now where the pilot erroneously cut the fuel switches to both engines over LAX. That would not have been assisted by spending all the money in the surplus. That is a pilot error that would not have been touched by any funds here.

Mr. GLICKMAN. I would take my time back for a moment. That is not true, because the FAA funds human factors, efforts involving a relationship between a pilot and instrumentation. Those are the kinds of things we are trying to augment funding on. I do not disagree with everything the gentleman has said. I just think we could do more in aviation safety.

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

Mr. GLICKMAN. I will be glad to yield to my colleague from Illinois [Mr. Russo].

Mr. RUSSO. I thank the gentleman for yielding.

I want to commend the gentleman from Kansas for raising this issue.

As individuals who fly more than the average American does, we ought to be extremely sensitive about the problems that exist in the air today. Let me just read some statistics. It is not a question of making some people nervous. If you read the statistics we all should be nervous.

Near collisions have increased by almost 100 percent since before the air traffic controllers' strike, from 395 in 1981 to 777 in 1985 and 812 in 1986. Near collisions involving commercial jetliners have increased from 240 in 1985 to 340 in 1986, a 42 percent increase. These are serious problems and we need to address them. You have situations where planes are being stressed to the limit, where preventive maintenance is not being done. There are not enough inspectors out there watching what is happening. Airlines are growing. There are more and more carriers. We do not have the manpower to do all the inspections that are necessary to keep the skies safe.

We have been lucky so far. There has not been a fatal crash as yet. Does that mean we have to wait until we have one before we do more for safety. We do not need to wait. We need more air traffic controllers and we need them now.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

(On request of Mr. Russo and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 3 additional minutes.)

Mr. RUSSO. Mr. Chairman, will the gentleman continue to yield?

Mr. GLICKMAN. I yield to the gentleman from Illinois [Mr. Russo].

Mr. RUSSO. I thank the gentleman for yielding further.

Mr. Chairman, prior to the air traffic controllers strike we had 13,000 well-trained air traffic controllers. Today at best we have 10,000. We have some serious problems in that area.

But believe me, your own personal experience with the number of delays, with the cancellations because of mechanicals or the slowdowns because of mechanicals are increasing every day. Free enterprise is working. It is "make the buck first" and safety is second. If we do not do anything about it, God help us. Our constituents want action. This is \$13.5 million. It is not a lot of money in a \$1 trillion budget.

□ 1715

Let us put it all in perspective here. I know the arguments of the gentleman from Michigan. They are excellent arguments. We gave 14 percent before, yes, but we cut it by 35 percent over the last several years.

We need to deal with safety. The American people demand that the skies be safe. We keep talking about having another study. We talk about having more hearings. It is time to act. Let us not wait until we have a real collision. Maybe some of us might be on that airplane and we will have a memorial in Statuary Hall for us, and then Members will say, "We know we goofed. We should have put the Doppler in. We should have put all these safety devices in."

Mr. Chairman, I say, why wait?

Mr. Chairman, I thank the gentleman for yielding.

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

Sometimes, Mr. Chairman, there are conflicts between those things that we want to do and obeying the law. That is exactly what we find ourselves with here. I am sure that what the gentleman from Illinois has just said and what the gentleman from Kansas has just stated is absolutely correct, that more money in this area might be able to be used very successfully, and I am sure that we could find ways of enhancing air safety.

But the fact is that we have committed ourselves to something, a public law, and we said very carefully in that budget law that we were going to try to prevent Members who have good things in mind from simply coming to the floor and arguing those good things and thereby violating that which we have committed ourselves to. That is the reason why we put section 302 in the act. It was, first of all, to assign limits on the Appropriations Committee and then to assure ourselves that we would stay within those limits. That is the objection I raised. I did not raise an objection to the substance of the gentleman's amendment. I raised an objection because the gentleman's amendment just decided that

for this purpose it was fine to break the law.

I do not think it was fine to break the law. I think we ought to live by that which we have committed ourselves to, and if we want to have amendments like the gentleman's, let us change the law. Let us change the law, and maybe we ought to change the way we fund the trust fund. Maybe we ought to have a capital account. Maybe we ought to do a variety of things, but let us change the law.

But during a time when we are hearing so much from this body and from the other body about obeying the laws of the land, I think it is about time that we commit ourselves to obeying the law of the land. The point here was exactly that the attempt was to do an end run around the law, and this gentleman just decided that maybe it was time we stop that kind of end run.

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

Mr. WALKER. I am glad to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, the gentleman was notably absent when the law was being bent in connection with the Coast Guard, adding \$30 million.

Mr. WALKER. Mr. Chairman, if the gentleman will allow me to reclaim my time, I apologize to the gentleman for that. This gentleman does get called off the floor from time to time, too. I assure the gentleman that I have checked, and that \$30 million can be knocked out when we get back into the whole House, and I assure the gentleman I am going to try to be able to do that.

Mr. GLICKMAN. The other thing is that I resent the use of the words, "breaking the law." First of all, we are not talking about breaking the law.

Mr. WALKER. Mr. Chairman, if the gentleman will allow me to reclaim my time, it is the budget law we are breaking, and that is the law of the land. It was passed by this Congress and signed into law by the President of the United States. This is not merely a rule of the House; it is the budget law.

Mr. GLICKMAN. Mr. Chairman, the fact of the matter is that the application of the law is applicable if somebody raises it. If somebody did not raise it, it would have been waived. But I point out to the gentleman that he is correct. I have been voting for most of these cuts, these 2- and 3-percent cuts, but this is an issue involving the public safety and health of the American people, and I just view this as an extraordinary type of issue that needed to be raised in this context.

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

We have had in the country the discussion of a number of extraordinary types of issues that involve the national security and that involve the ability of this country to conduct its foreign

policy. There have been a number of major issues raised that are of an extraordinary nature where we saw attempts to bend the law.

What I am suggesting to the gentleman is that there are extraordinary issues, but if we are going to commit ourselves to the law, then we ought to be committed to the law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, \$1,030,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of \$1,720,000,000 in fiscal year 1988 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for the implementation or execution of programs under this head, the obligations for which are in excess of \$60,000,000 during fiscal year 1988. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such

Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed \$215,350,000, shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed \$38,243,000 of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities and private sources, for training expenses incurred for non-Federal employees.

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

(HIGHWAY TRUST FUND)

For necessary expenses in carrying out provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, \$7,000,000.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, \$10,000,000, to be derived from the Highway Trust Fund: *Provided*, That not to exceed \$100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$10,000,000 in fiscal year 1988 for "Highway-related safety grants".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, \$14,000,000, of which \$9,333,333 shall be derived from the Highway Trust Fund.

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 \$12,500,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1988.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, \$13,400,000,000 or so much

thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

**RIGHT-OF-WAY REVOLVING FUND
(LIMITATION ON DIRECT LOANS)
(HIGHWAY TRUST FUND)**

During fiscal year 1988 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$47,850,000.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-9400, \$24,000,000, of which \$2,000,000 shall remain available until expended, and not to exceed \$300,000 shall be available for "Limitation on general operating expenses".

**MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)**

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424, \$50,000,000, 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 \$50,000,000 for "Motor carrier safety grants".

**BALTIMORE-WASHINGTON PARKWAY
(HIGHWAY TRUST FUND)**

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, \$15,000,000, to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary.

**EXPRESSWAY GAP CLOSING DEMONSTRATION
PROJECT**

For necessary expenses to carry out a highway construction project along State Route 113 in north-central California that demonstrates methods of reducing motor vehicle congestion and increasing employment, \$8,300,000, to remain available until expended.

AMENDMENT OFFERED BY MR. CRANE

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

The Clerk read as follows:

Amendment offered by Mr. CRANE: Page 18, strike line 19 and all that follows through page 22, line 3.

Mr. CRANE. Mr. Chairman, the adverse effects of the deficit on our economy are well documented. But we have not made sufficient progress toward reaching the Gramm-Rudman target for fiscal year 1988 of \$108 billion. CBO, using the rosey economic assumptions of OMB, estimates that the deficit will reach \$113 billion this fiscal year. This is \$25.8 billion over the Gramm-Rudman target. Some economists have even projected that the deficit could go over \$170 billion.

Hence, it is high time that we show the American people that we have the political courage to make the cuts necessary to help us reach our target of \$108 billion. I believe that we should start this process by identifying the

most abusive examples of wasteful spending. We have all heard the shocking reports about \$600 toilet seats and \$300 screwdrivers being purchased by the Department of Defense. We must take steps to stop wasteful military spending, but at the same time we should not ignore wasteful domestic spending. I can think of few better examples of wasteful domestic spending than the demonstration projects which the Committee on Appropriations has included in this bill.

These 10 projects will cost taxpayers \$59.4 million in fiscal year 1988, but many of these projects have not even been authorized by the Committee on Public Works and Transportation. This clearly violates one of the most important rules of the House, rule XXI, clause 2, which prohibits general appropriations bills from containing appropriations for any expenditure not previously authorized by law, except to continue public works projects already in progress. It will be a sad day if we allow this bill to pass without striking projects which violate the very rules which govern this body. We should not send a message to the American people that we are willing to ignore our own rules which were designed to protect the integrity of the democratic process in the House of Representatives.

Technically speaking, demonstration projects are supposed to demonstrate advanced design and construction methods that can be applied to wider use. These projects, however, only demonstrate the ability of specific Members to bring pork back to their districts. These projects, by and large, employ few advanced design or construction methods. For instance, the highway safety improvement project, and I quote from the bill, "demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing highways." The highway safety improvement project demonstrates "the safety and economic benefits of widening and improving highways in mountain areas." Do we really need to spend hard earned money from taxpayers to demonstrate things we already know? I think it is an insult to the American people for Members to hide pork-barrel projects in programs which were intended to further our understanding of construction methods.

There is virtually no hearing record and related analysis regarding the merits of these projects since they have not been selected through the established Federal-aid highway mechanism that relies on the expertise of State and local officials. Demonstration projects such as these, are typically rejected by the usual selection process employed by States to determine which projects should be funded. Many State governments and associa-

tions oppose demonstration projects. According to Francis B. Francois, executive director of the American Association of State Highway and Transportation Officials, "Many of these projects are simply projects that failed in the selection process in the States * * * and we do not think that's the right way to do business."

Thus, these projects waste money which should be spent on truly needed projects such as the Highway Administration's bridge repair and replacement program. More than \$4 billion are needed to repair the thousands of unsafe bridges throughout the country. We should eliminate funding for these demonstration projects and use the money to fund high-priority projects.

Unless we act now and strike funding for these demonstration projects, more and more Members will jump on the bandwagon and ask for their own demonstration projects. The 1982 highway authorization bill contained 10 demonstration projects. The 1987 bill contained 170 projects which will eventually cost \$8 billion. Now the Committee on Appropriations is joining in on the fun and requesting their own demonstration projects. Some analysts with the Department of Transportation argue that if this trend continues unchecked, taxpayers could be handed a bill well over \$25 billion in 1990 to pay for demonstration projects.

In conclusion, I ask that my colleagues consider my arguments and vote to strike funding for these 11 demonstration projects. Let's show some leadership to our constituents and start making progress toward our goal of balancing the budget.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as we have stated, we do have a balanced bill, and as we also know, we are within our tentative 302(b) allocations for both budget authority and outlays.

With the exception of the funding for the Federal Aviation Administration, the new budget authority we are recommending in the total bill is actually \$100 million less than the fiscal year 1987 level. This is not a budget-busting bill.

And with respect just to highways, which the gentleman from Illinois has raised, the total new budget authority recommended for the Federal Highway Administration and the total funding recommended for all highway demonstration projects is below the level Congress approved for 1987.

There are Members who can speak in more detail about each of these projects. I can assure the Members that most of these projects are already authorized. Five out of nine are already authorized and have received

funding in prior fiscal years. There are four new projects for which funds are recommended. Each of these new projects has been discussed with the chairman of the authorizing committee, the gentleman from New Jersey [Mr. HOWARD], and he has no problem with these unauthorized projects.

I might also point out that most of these new projects are in the districts of non-Appropriations Committee members. We are not feathering our own nests with these highway demonstration projects.

Mr. Chairman, virtually every one of these projects will enhance highway safety, and I believe the level we are recommending is modest and appropriate and essential. I urge that the amendment offered by the gentleman from Illinois [Mr. CRANE] be defeated.

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

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

Mr. CHANDLER. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I thank my distinguished colleague for yielding.

I want to reassure the distinguished chairman of the subcommittee that I was not suggesting that any member of the Appropriations Committee having jurisdiction over this piece of legislation was feathering his own nest. What I am suggesting is that there is pork here, and there is enough pork to go around for every Member of this body many times over, especially if one looks at the authorizations for these demonstration projects contained in earlier legislation. With 170, that would only accommodate about half the House, but at this rate, by the year 1990 we will be able to accommodate every Member of the House and the Senate.

Let me add one other thing, if the gentleman will permit and if the gentleman will yield further, and that is that the concept behind these demonstration projects was to demonstrate—and I ask the Members to listen to this language—"advanced design and construction methods that can be adapted for wider use."

□ 1730

That would be wonderful.

If my colleagues look at this one highway safety improvement demonstration project, it is numbered 4, and it is to demonstrate methods of enhancing safety and promoting economic development through widening and resurfacing of highways. That is marvelous.

No. 10 is another beaut. Highway widening and improvement demonstration project. A highway project between Paintsville and Prestonsburg, KY. With all due respect to my distinguished colleagues from Kentucky, and I do not know whose district that

is, and I am not questioning him in securing this important demonstration grant, but it is to demonstrate the safety and economic benefits of widening and improving highways in mountainous areas. That is marvelous, but I do not think it conforms to the objectives that were initially stated, and I thank my colleague for yielding.

Mr. CHANDLER. Mr. Chairman, I would like to point out that this is the first of a series of either four or five amendments by what is becoming now the well known self appointed bipartisan, and I think somebody said insufferable once, committee, and I am a task force leader on Transportation. I want to point out that what we are attempting to do is not to say that the committee did not know what it was doing, because it did. We are not trying to be punitive to any of the Members. One of the Members affected by this amendment is from my State and a good friend of mine.

What we are simply trying to do is reduce some spending so that when we go home and give our speech to the Rotary Club and say I am against big deficits, we will also have something on the record to say and we also went out on the floor and put our projects in our State and our taxpayers on the line to say we are doing something about it.

This amendment, yes, calls for some sacrifice, and I do not find in the United States today a very great constituency for sacrifice. But that is what reducing the deficit is all about, not spending. That is all we are trying to accomplish here.

The amendment of the gentleman I think is one that could easily be justified simply from the standpoint of suggesting that when we do not have the money to pay for something instead of borrowing from our children or our grandchildren we wait a while until we can afford it. That is the spirit in which this amendment and others today will be offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 129, noes 264, not voting 40, as follows:

[Roll No. 259]

AYES—129

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bentley
Bereuter

Bilirakis
Billey
Boulter
Brown (CO)
Buechner
Bunning
Burton
Byron

Callahan
Carper
Chandler
Clarke
Coats
Coble
Combest
Craig

Crane
Daniel
Dannemeyer
Daub
Davis (IL)
DeWine
Dreier
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gekas
Gilman
Gingrich
Gradison
Grandy
Gregg
Hamilton
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Inhofe
Ireland
Jeffords

Johnson (CT)
Johnson (SD)
Kasich
Kastenmeier
Konnyu
Kyl
Lagomarsino
Lancaster
Leach (IA)
Lightfoot
Lott
Lujan
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
McCollum
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison (WA)
Neal
Nichols
Nielsen
Olin
Oxley
Petri
Pickett
Price (NC)
Regula
Rhodes
Ritter

NOES—264

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Badham
Barnard
Bateman
Bellenson
Bennett
Berman
Bevill
Biaggi
Bilbray
Boehlert
Boggs
Boland
Bonior (MI)
Borski
Boucher
Brennan
Brooks
Broomfield
Bruce
Bustamante
Campbell
Cardin
Carr
Chapman
Chappell
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly

Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flippo
Florio
Foley
Ford (TN)
Frank
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hammerschmidt
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Hoyer
Hughes
Hutto
Hyde
Jacobs
Jenkins
Jones (NC)
Jones (TN)
Jontz

Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klecicka
Kolbe
Kolter
Kostmayer
LaFalce
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson

Nowak	Roybal	Synar
Oakar	Russo	Tallon
Oberstar	Sabo	Thomas (CA)
Obey	Savage	Torres
Ortiz	Sawyer	Torricelli
Owens (UT)	Saxton	Trafficant
Packard	Schroeder	Traxler
Panetta	Schumer	Udall
Parris	Sharp	Valentine
Pashayan	Shaw	Vander Jagt
Patterson	Shuster	Vento
Pease	Sikorski	Visclosky
Pelosi	Skaggs	Volkmer
Penny	Skeen	Walgren
Pepper	Skelton	Watkins
Perkins	Slattery	Waxman
Pickle	Slaughter (NY)	Weber
Porter	Smith (FL)	Weiss
Price (IL)	Smith (IA)	Wheat
Pursell	Smith (NJ)	Whittaker
Quillen	Snowe	Whitten
Rahall	Solarz	Williams
Rangel	Spence	Wise
Ravenel	St Germain	Wolf
Richardson	Staggers	Wolpe
Ridge	Stangeland	Wortley
Rinaldo	Stark	Wyden
Rodino	Stokes	Yates
Rogers	Stratton	Yatron
Rose	Studds	Young (AK)
Rowland (GA)	Swift	Young (FL)

NOT VOTING—40

Ackerman	Flake	McEwen
Bates	Foglietta	Owens (NY)
Boner (TN)	Ford (MI)	Ray
Bonker	Frost	Roe
Bosco	Gephardt	Roemer
Boxer	Gunderson	Rostenkowski
Brown (CA)	Hawkins	Scheuer
Bryant	Howard	Tauzin
Cheney	Kemp	Thomas (GA)
Clay	Lent	Towns
Conyers	Livingston	Wilson
Cooper	Lloyd	Wylie
DioGuardi	Mavroules	
Edwards (OK)	McCandless	

□ 1745

The Clerk announced the following pairs:

On this vote:

Mr. Cheney for, with Mr. Howard against.
Mr. Gunderson for, with Mr. Towns against.

Mr. CAMPBELL and Mr. SKAGGS changed their votes from "aye" to "no."

Mrs. ROUKEMA, Mrs. VUCANO-VICH, and Messrs. GALLEGLY, JOHNSON of South Dakota, and NICHOLS changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I would like to engage the distinguished gentleman from Florida, the chairman of the committee, in a colloquy.

Mr. Chairman, I would like to thank the gentleman from Florida, and the members of the committee for their part in providing funds for the return of a mobile air traffic control tower at Bellingham International Airport, in Washington State.

As you know, the air traffic has increased at Bellingham 270 percent in the last 2 years and shows every sign of continuing this growth well into the future.

Mr. Chairman, I further appreciate the gentleman's commitment to work with me to obtain a permanent air traffic control tower at Bellingham International Airport when the criteria is met.

Mr. LEHMAN of Florida. Mr. Chairman, if the gentleman will yield, the gentleman has raised an important point with the committee and I am pleased to continue to work with him on this matter.

AMENDMENTS OFFERED BY MR. McMILLAN OF NORTH CAROLINA

Mr. McMILLAN of North Carolina. Mr. Chairman, I offer amendments, and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. McMILLAN of North Carolina: Page 18, strike lines 19 through 24.

Page 20, strike lines 11 through 20.

Page 21, strike lines 8 through 14.

Page 21, strike lines 15 through 21.

Strike page 21, line 22, through page 22, line 3.

Mr. McMILLAN of North Carolina. Mr. Chairman, I will be brief.

These five amendments relate again to five special demonstration projects that are included in this bill that are to be funded out of the general fund, rather than out of the highway trust fund.

The gentleman from Illinois offered an amendment previously that included those, that would have been funded out of both operations and in the aggregate would have amounted to funding of \$59 million.

The five amendments that I offer would delete five projects that are funded out of the general fund, totaling \$20.4 million.

Those that are funded out of the highway trust fund total \$39 million, and I repeat, the five demonstration projects that are the subject of my amendments would total \$20.4 million.

So that there be no misunderstanding, let me identify what they are, briefly:

State road 113 in California, \$8.3 million.

Bridge improvements in Florida, \$5 million.

Road relocation in the State of Washington, \$2.6 million.

Environmental engineering in the State of California, \$2 million, and a mountainous area study in the State of Kentucky, \$2.5 million.

I do not offer these amendments with the intention of either challenging the committee or the merits of these specific projects. My point is simply this, that at a time when we are struggling as a Congress to live

within our stated goal of achieving \$36 billion in deficit reductions, we are going to have to adopt some amendments that reduce our appropriation levels even below the 302 allocations that we are dealing with in this legislation.

Now, granted, this is not a large amount of money, but if we are not going to reduce any funding for the FAA within this bill, and I hope that we do not, then we are going to have to find some areas elsewhere in the budget that we are going to be able to find reductions in.

So I offer this as something not to challenge the merits of these projects, but simply to say, let us defer them at a time we are facing \$170 billion budget deficits and begin to make some strides in behalf of real deficit reductions.

Mr. Chairman, I urge my colleagues to favorably consider the adoption of these amendments.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendments.

As we know, we just had a very similar amendment to delete nine projects. Four of the projects that we voted on had been previously authorized. Now we have five projects. They duplicate what was in the previous amendment.

I do not have to make the same points all over again, but I urge my colleagues to reject the amendment of the gentleman from North Carolina.

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

I would ask if the gentleman from North Carolina would enter into a colloquy with me.

Mr. McMILLAN of North Carolina. Yes.

□ 1800

Mr. PENNY. I am curious to know if the gentleman is aware which of the projects affected by his amendment have been authorized, and which have not.

Mr. McMILLAN of North Carolina. It is my understanding that we are both authorizing and appropriating in this process.

Mr. PENNY. I think that is a crucial point.

Mr. McMILLAN of North Carolina. My understanding is, they have not been previously authorized.

Mr. PENNY. And these are general fund projects?

Mr. McMILLAN of North Carolina. Correct.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina [Mr. McMILLAN].

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

RECORDED VOTE

Mr. McMILLAN of North Carolina.
Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 217, not voting 39, as follows:

[Roll No. 260]

AYES—177

Andrews	Hastert	Parris
Archer	Hayes (IA)	Patterson
Army	Hefley	Pease
Badham	Henry	Penny
Baker	Herger	Petri
Ballenger	Hiller	Pickett
Bartlett	Holloway	Price (NC)
Barton	Hopkins	Pursell
Bentley	Houghton	Ravenel
Billirakis	Huckaby	Regula
Billiey	Hughes	Rhodes
Boehlert	Hunter	Ridge
Boulter	Hyde	Ritter
Brown (CO)	Inhofe	Roberts
Buechner	Ireland	Robinson
Bunning	Jacobs	Rose
Burton	Jeffords	Roth
Byron	Jenkins	Roukema
Callahan	Johnson (CT)	Rowland (CT)
Carper	Johnson (SD)	Saiki
Chandler	Kaptur	Sawyer
Clarke	Kasich	Saxton
Coats	Kastenmeier	Schaefer
Coble	Kolbe	Schneider
Coleman (MO)	Konnyu	Schuetz
Combest	Kyl	Schulze
Craig	Lagomarsino	Sensenbrenner
Crane	Lancaster	Shumway
Daniel	Latta	Sisisky
Dannemeyer	Leach (IA)	Skelton
Darden	Lewis (FL)	Slattery
Daub	Lightfoot	Slaughter (VA)
Davis (IL)	Lott	Smith (TX)
DeLay	Lujan	Smith, Denny
Dickinson	Lukens, Donald	(OR)
Dorgan (ND)	Lungren	Smith, Robert
Dornan (CA)	Mack	(NH)
Dreier	MacKay	Smith, Robert
Dyson	Madigan	(OR)
Emerson	Marienne	Snowe
English	Martin (IL)	Solomon
Fawell	Martin (NY)	Spence
Fields	McCullum	Spratt
Fish	McCurdy	Stallings
Frenzel	McMillan (NC)	Stenholm
Gallely	Meyers	Stump
Gekas	Michel	Sundquist
Gilman	Miller (OH)	Sweeney
Gingrich	Miller (WA)	Swindall
Glickman	Molinari	Synar
Goodling	Montgomery	Tallon
Gordon	Moody	Tauke
Gradison	Morella	Taylor
Grandy	Morrison (WA)	Thomas (CA)
Green	Neal	Upton
Gregg	Nichols	Volkmer
Hall (TX)	Nielson	Vucanovich
Hamilton	Olin	Walker
Hansen	Owens (UT)	Weldon
Harris	Oxley	Wortley

NOES—217

Akaka	Boniior (MI)	Coyne
Alexander	Borski	Crockett
Anderson	Boucher	Davis (MI)
Annunzio	Brennan	de la Garza
Anthony	Brooks	DeFazio
Applegate	Broomfield	Dellums
Aspin	Bruce	Derrick
Atkins	Bustamante	Dicks
AuCoin	Campbell	Dingell
Barnard	Cardin	Dixon
Bateman	Carr	Donnelly
Bellenson	Chapman	Dowdy
Bennett	Chappell	Downey
Bereuter	Clinger	Duncan
Berman	Coelho	Durbin
Bevill	Coleman (TX)	Dwyer
Biaggi	Collins	Dymally
Bilbray	Conte	Early
Boggs	Coughlin	Eckart
Boland	Courter	Edwards (CA)

Erdreich	Lewis (GA)	Roybal
Espy	Lipinski	Russo
Evans	Lowery (CA)	Sabo
Fascell	Lowry (WA)	Savage
Fazio	Luken, Thomas	Schroeder
Feighan	Manton	Schumer
Filippo	Markey	Sharp
Florio	Martinez	Shaw
Foley	Matsui	Shuster
Ford (MI)	Mavroules	Sikorski
Ford (TN)	Mazzoli	Skaggs
Frank	McCloskey	Skeen
Gallo	McDade	Slaughter (NY)
Garcia	McGrath	Smith (FL)
Gaydos	McHugh	Smith (IA)
Gejdenson	McMillen (MD)	Smith (NJ)
Gibbons	Mfume	Solarz
Gonzalez	Mica	St Germain
Grant	Miller (CA)	Staggers
Gray (IL)	Mineta	Stangeland
Gray (PA)	Moakley	Stark
Guarini	Mollohan	Stokes
Hall (OH)	Moorhead	Stratton
Hammerschmidt	Morrison (CT)	Studds
Hatcher	Mrazek	Swift
Hawkins	Murphy	Torres
Hayes (IL)	Murtha	Torricelli
Hefner	Myers	Traficant
Hertel	Nagle	Traxler
Hochbrueckner	Natcher	Udall
Horton	Nelson	Valentine
Hoyer	Nowak	Vander Jagt
Hubbard	Oakar	Vento
Hutto	Oberstar	Visclosky
Jones (NC)	Obey	Walgren
Jones (TN)	Ortiz	Watkins
Jontz	Packard	Waxman
Kanjorski	Panetta	Weber
Kennedy	Pashayan	Weiss
Kennelly	Pelosi	Wheat
Kildee	Pepper	Whittaker
Kleczka	Perkins	Whitten
Kolter	Pickle	Williams
Kostmayer	Porter	Wise
LaFalce	Price (IL)	Wolf
Lantos	Quillen	Wolpe
Leath (TX)	Rahall	Wyden
Lehman (CA)	Rangel	Yates
Lehman (FL)	Richardson	Yatron
Leland	Rinaldo	Young (AK)
Levin (MI)	Rodino	Young (FL)
Levine (CA)	Rogers	
Lewis (CA)	Rowland (GA)	

NOT VOTING—39

Ackerman	DioGuardi	McEwen
Bates	Edwards (OK)	Owens (NY)
Boner (TN)	Flake	Ray
Bonker	Foglietta	Roe
Bosco	Frost	Roemer
Boxer	Gephardt	Rostenkowski
Brown (CA)	Gunderson	Scheuer
Bryant	Howard	Smith (NE)
Cheney	Kemp	Tauzin
Clay	Lent	Thomas (GA)
Conyers	Livingston	Towns
Cooper	Lloyd	Wilson
DeWine	McCandless	Wylie

□ 1810

The Clerk announced the following pairs:

On this vote:

Mr. Cheney for, with Mr. Howard against.
Mr. Gunderson for, with Mr. Towns against.

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

Mr. FIELDS and Mr. BOEHLERT changed their votes from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

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

Mr. CONTE. Mr. Chairman, I rise in support of this bill making appropriations for the De-

partment of Transportation and related agencies for fiscal year 1988. Before I mention some of the specific items in the bill, I would like to take a moment to pay special tribute to the leadership of the Transportation Subcommittee, Chairman BILL LEHMAN of Florida and ranking minority member LARRY COUGHLIN of Pennsylvania.

Thanks to their efforts, as well as the hard work of all the subcommittee members, this bill responds to our national transportation needs while remaining fiscally responsible. This is a carefully crafted, balanced bill, and one that I hope will receive the support of all of my colleagues.

Mr. Chairman, let me just mention a few particular items. For the FAA, which has been so much in the public eye of late, we have provided \$3.3 billion for operations, almost \$475 million above last year's level, the largest portion of which is for the safe operation of the air traffic control system.

For the Coast Guard, we have recommended slightly under \$2.6 billion in new funding. This is more than \$100 million below this year's budget request, and assumes that \$100 million for the operating expenses account will be made available from the Defense appropriations bill. As I said last week when I attempted to have recreational boaters pick up some of the Coast Guard's cost of providing special services to those boaters, the Coast Guard is in a heck of a bind with the funding level in this bill.

Although I have taken the lead in supporting transfers of funds from the Navy to the Coast Guard, I don't think that this is a healthy situation, and I wish that we could provide adequate funding up front in this bill. I understand that there may be an amendment to address at least \$30 million of this shortfall later on today.

For the Federal Aid Highway Program, the committee has recommended a limitation on obligations of \$12.5 billion, which will result in a highway program that is slightly above both last year's level and the budget request.

For Amtrak, the committee has recommended \$614 million, an amount that will permit the continued operation of Amtrak's national route system while also permitting some much-needed capital improvements. This amount includes \$4 million for a test and revenue service demonstration of tilt and turbo technologies that are currently in revenue service in North America and Europe.

For urban mass transportation, the committee has provided \$3.45 billion, approximately the same amount as last year. This amount includes the fully authorized level of \$912.6 million for operating assistance.

In short, Mr. Chairman, this bill is both responsive and responsible. It is within the tentative targets set by the recently adopted budget resolution. I strongly urge its adoption.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERMODAL URBAN DEMONSTRATION PROJECT
(HIGHWAY TRUST FUND)

For necessary expenses to carry out the provisions of section 124 of the Federal-Aid

Highway Amendments of 1974, \$10,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

**HIGHWAY SAFETY AND ECONOMIC
DEVELOPMENT DEMONSTRATION PROJECTS
(HIGHWAY TRUST FUND)**

For necessary expenses to carry out construction projects as authorized by Public Law 99-500 and Public Law 99-591, \$10,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

**HIGHWAY SAFETY IMPROVEMENT
DEMONSTRATION PROJECT
(HIGHWAY TRUST FUND)**

For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing of highways on the Federal-air primary system and on roads on the Federal-aid urban system, as authorized by Public Law 99-500 and Public Law 99-591, \$2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

**HIGHWAY-RAILROAD GRADE CROSSING SAFETY
DEMONSTRATION PROJECT
(HIGHWAY TRUST FUND)**

For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad grade crossing safety while minimizing surrounding environmental effects, as authorized by Public Law 99-500 and Public Law 99-591, \$10,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

**BRIDGE IMPROVEMENT DEMONSTRATION
PROJECT**

For 80 percent of the expenses necessary to carry out a highway project in the vicinity of Jacksonville, Florida for the purpose of demonstrating methods of reducing traffic congestion and improving efficiency in the trans-shipment of military and civilian cargo, by construction of a bridge to Blunt Island, widening State Highway 105 (Heckscher Drive) and constructing an interchange at the intersection of Heckscher Drive and the new Blount Island Bridge, \$5,000,000, to remain available until expended.

**VEHICULAR AND PEDESTRIAN SAFETY
DEMONSTRATION PROJECT
(HIGHWAY TRUST FUND)**

For the purpose of carrying out a demonstration of methods of improving vehicular and pedestrian safety on roads on the Federal-aid urban and Federal-aid secondary systems, involving Route 66 in Northampton and Huntington, Massachusetts, \$7,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempt from any limitation on obligations for Federal-aid highways and highway safety construction programs.

**HIGHWAY BRIDGE RELOCATION
DEMONSTRATION PROJECT**

For 80 percent of the expenses necessary to carry out a highway project involving the relocation of U.S. Highway 101 and the Queets River Bridge in the State of Washington that demonstrates methods of improving highway safety, \$2,600,000, to remain available until expended.

HIGHWAY BYPASS DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project in the vicinity of Prunedale, California that demonstrates methods of accelerating the environmental studies and preliminary engineering for the construction of a highway bypass, \$2,000,000, to remain available until expended.

**HIGHWAY WIDENING AND IMPROVEMENT
DEMONSTRATION PROJECT**

For 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, \$2,500,000, 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 the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended), and the National Traffic and Motor Vehicle Safety Act, \$65,140,000, of which \$30,553,000 shall remain available until expended: *Provided*, That, of the funds available under this head, \$7,000,000 shall be available to implement the recommendations of the 1985 National Academy of Sciences report on trauma research.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 4, title 23, United States Code, to be derived from the Highway Trust Fund, \$31,610,000, to remain available until expended: *Provided*, That, of the funds available under this head, \$2,000,000 shall be available for light truck and van safety research and analysis: *Provided further*, That, of the funds available under this head, \$3,000,000 shall be available to implement the recommendations of the 1985 National Academy of Sciences report on trauma research.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 402, 406, and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, \$133,000,000, 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 are in excess of \$121,000,000 in fiscal year 1988 for "State and community highway safety grants" authorized under 23 U.S.C. 402: *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of \$14,400,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed \$4,850,000 shall be available for administering the provisions of 23 U.S.C. 402.

**FEDERAL RAILROAD
ADMINISTRATION**

OFFICE OF THE ADMINISTRATOR

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$19,400,000, of which \$8,650,000 shall remain available until expended; and in addition, all unexpended balances in "Rail service assistance" after September 30, 1987, shall be transferred to this account, to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That none of the funds in this Act shall be available for the acquisition, sale, or transference of Washington Union Station without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That notwithstanding any other provision of law, of the funds available under this head, \$6,000,000 shall be available for necessary expenses for rail assistance authorized by section 5(q) of the Department of Transportation Act, as amended, to remain available until expended: *Provided further*, That \$3,500,000 of the fiscal year 1988 funds made available under section 5(h) shall be made available for use directly under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of the Department of Transportation Act, as amended, notwithstanding any provisions therein to the contrary: *Provided further*, That each State shall be entitled to, and no more than, \$50,000 under the combined provisions of section 5(h)(2) and section 5(i), notwithstanding any provisions therein to the contrary: *Provided further*, That no State may apply for fiscal year 1988 funds available under section 5(h)(2) until such State has obligated all funds granted to it under section 5(h)(2) in the fiscal years prior to the beginning of fiscal year 1983, other than funds not expended due to pending litigation: *Provided further*, That a State denied funding by reason of the preceding proviso may still apply for and receive funds for planning purposes.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, \$28,825,000.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$10,000,000, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses for improvements to the Communication and Signal Systems at locations between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg line; improvements to the Electric Traction System between Wilmington, Delaware, and Newark, New Jersey; installation of baggage rack restraints, seat back guards and seat lock devices on 348 passenger cars operating within the Northeast Corridor; installation of 44 event recorders and 10 electronic warning devices on locomotives operating within the Northeast Corridor; acquisition

of cab signal test boxes and installation of 9 wayside loop code transmitters for use on the Northeast Corridor; and North Philadelphia Station platform refurbishments, building renovations, and site improvements; \$27,000,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565, to remain available until expended, \$614,000,000: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the President of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1988: *Provided further*, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements prohibited by this Act or not expressly provided for in an appropriation Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That none of the funds in this or any other Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Federal sources: *Provided further*, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short term avoidable costs of operating such service in the first year of operation and 100 per centum of the short term avoidable operating costs for each year thereafter: *Provided further*, That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources.

AMENDMENT OFFERED BY MR. McMILLAN OF NORTH CAROLINA

Mr. McMILLAN of North Carolina. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. McMILLAN of North Carolina: Page 26, line 22, strike

"\$614,000,000" and insert in lieu thereof "\$594,791,000".

Mr. McMILLAN of North Carolina. Mr. Chairman, this is the third, you might call, amendment offered by the bipartisan group seeking to achieve some reductions and outlays in 1988 in order to achieve a true \$36 billion deficit reduction for 1988. This basically is designed to freeze the level of funding for Amtrak in 1988 as compared with 1987.

To refresh your memory, in 1986 in the House budget resolution we adopted a 10-percent reduction in Amtrak subsidies. In that same year the Senate also retained subsidies but approved reductions of 12 percent for 1986, 25 percent for 1987 and 40 percent for 1988. Neither of those separate budget provisions was adopted in the 1986 continuing resolution. The amount then appropriated was \$562 million. Now that is 1986.

However, in that year due to so-called transfer of funds, the actual amount spent in 1986 was increased by \$23 million to that, the total spent in 1986 was \$585 million.

In 1987, \$594,791,000 was appropriated, an increase of 5.9 percent over 1986. It is apparent that we are going to spend approximately that amount, it is my understanding, in 1987.

We are beginning to move in a different direction as far as Amtrak subsidies, than was intended by our budget actions going all the way back to 1985. While many have proposed that we should phase out Amtrak subsidies altogether, this House has not even been willing to consider a proposal by Secretary Dole to appoint a Commission to take an indepth study of Amtrak funding.

It is therefore unlikely that this House will adopt an amendment that would seriously reduce subsidies for Amtrak at this time.

But in a year in which we are struggling to find real savings in order to achieve our expressed goal of minimum \$36 billion per year deficit reduction, it seems to me reasonable to ask to seek a freeze level of Amtrak funding for 1988 at 1987 levels, instead of the 3.7-increase proposed in this bill. This amendment proposes to substitute a funding level of \$594 million instead of the \$614 million that is included in this bill. It would amount to a savings of \$22 million. I urge my colleagues to make this reasonable approach to deficit reduction.

□ 1825

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

Mr. McMILLAN of North Carolina. I yield to the gentleman from Minnesota.

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

Again the key point to stress here is that this is a freeze on Amtrak appro-

priations. We are not talking about cutting back in this area. Amtrak serves my district, as it does the districts of many Members of this House. It is a popular program, and it provides an alternative mode of transportation for many, many Americans.

But in a time of huge budget deficits, we want to take the approach of targeting some reductions as a way of reducing that deficit. A freeze on Amtrak seems to be an appropriate judgment to make.

Mr. Chairman, I urge adoption of the amendment.

Mr. McMILLAN of North Carolina. Mr. Chairman, I thank the gentleman from Minnesota [Mr. PENNY].

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to remind my colleagues that Amtrak is an operating concern. It is not like another grant program. You cannot freeze an operating concern and maintain the kind of quality service that you need. You have increased labor costs, you have to replenish capital equipment, and you have other expenses that must be met. All you do if you vote for this cut is diminish the service that the public needs from Amtrak.

Over the last 2 years we have reduced Amtrak from \$716 million to \$614 million. We are bringing down the cost of Amtrak and gaining more at the fare box.

Mr. Chairman, this body has voted time and time again to continue Amtrak. I do not note any change in that sentiment. We have provided an acceptable level to continue Amtrak's operation in 1988, and we have done so within the tentative budget resolution allocation. It is a responsible level. It is a level that will save money in the long run for Amtrak.

Mr. Chairman, I urge a no vote on the amendment.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment. I have great affection for the author of this amendment. It is, however, a bad amendment and should be rejected.

Let us look at Amtrak. In 1986 revenues at Amtrak were up. Expenses in 1986 were down. Its revenue-to-expense ratio was the best ever. Yet Amtrak last year lost a half million passengers. Its ontime performance was the worst in years. What that means is that management is doing as well as they possibly can with what we give them, but that Amtrak is at the point where it can absorb no more cuts of this kind.

The expenses in this appropriation bill are within the limits prescribed by the budget. This amendment would mean a \$20 million cut in Amtrak. Some of the critics of Amtrak think that we are spending too much on the

system; in point of fact, we are spending too little. Amtrak was authorized for fiscal year 1988 at the level of \$630 million. The bill before us provides \$614 million.

The amendment before us would cut that to about \$594 million. Amtrak has been making a massive struggle to move forward in service, to reduce its losses, and to reduce the subsidy. This kind of amendment is enormously counterproductive to that effort. As a result of this amendment, together with the cuts of the past several years, there will be a significant adverse impact on service, on safety, and upon the earning capacity of the system.

As a result of budget cuts now—and it will be exacerbated by this amendment—Amtrak has been forced into deferred maintenance and other operating practices that can only have negative effects.

Let us look at what is already happening. Equipment failures on the road have increased. Overtime performance has suffered. As Amtrak's locomotives and rolling stock are aging, periodic overhauls, and other maintenance must be increased in order to avoid deterioration of service. This is not happening. Maintenance is being deferred. A lack of capital funds has limited the company's ability to upgrade obsolete maintenance facilities and is significantly adversely affecting the reliability of the system.

If this trend continues, complaints about efficiency and loss of passenger confidence will continue. The railroad will be accused of operating poorly and being a drain on the Treasury. In point of fact, the blame here lies not on the system, which has performed wonderfully well and made massive efforts to improve, but, rather, on the Congress and on the administration because the budget cutters are responsible. What is going to happen is that safety will be jeopardized, service will be reduced, and the effort of the Congress to see to it that we have a meaningful program of public rail passenger transportation will be significantly jeopardized.

Mr. Chairman, I urge my colleagues to reject this amendment. There have been cuts aplenty in Amtrak already, and I believe that it would be extremely unwise to reduce it further.

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

Mr. DINGELL. I yield to my good friend, the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I want to associate myself with the remarks of the chairman of the committee, the gentleman from Michigan [Mr. DINGELL], and with the remarks of the chairman of the subcommittee.

This is not the place to make a cut in Amtrak. This is an operating agency that is not in a position to reduce costs further. They have become more effi-

cient each year. I think we want to continue that effort and continue to have a strong, viable passenger railroad.

Mr. STENHOLM. Mr. Chairman, I would like to move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the gentleman from Michigan [Mr. DINGELL] has made a very eloquent defense of the necessity of continuing the subsidization of the Amtrak system. This amendment does not speak to that. It leaves \$590-plus million in the budget in order to continue the operation of Amtrak. What this amendment attempts to do in a small way is to deal with the increased spending of this Congress. It has nothing to do with the Appropriations Committee, absolutely nothing.

I accept again the defense of the gentleman from Florida [Mr. LEHMAN] of the job he has done and the job his committee has done. That is not the issue. The overall issue is that we are making eloquent arguments to spend money that we do not have. Twenty-two million dollars is not a lot of money to this Congress, but it is a lot of money to the American people. If we cannot ask Amtrak to do a better job to correct those deficiencies that the gentleman from Michigan has stated occurred with \$594 million, is \$22 million going to do the job?

That is the argument. That is the debate. That is the way we ought to focus on these little piddling amendments that keep getting brought up. As we bring them up one at a time, Members say, "Hey, this is one area that is important." But can we not freeze? Can we not tell Amtrak to get by with the same amount of money this year as they had last year?

Is that too much to ask when we are asking so many of the American people, as we hear the debate shift from time to time, to try to get by with less?

The bottom line is that in this budget both the President and the Congress were spending more than we got. Now, if we cannot do something about trimming it, \$22 million here and \$22 million there, for Heaven's sake, when we come to the time here when across-the-board cuts have to be made and we do it to everybody, let us not hear again that that is not the way to do it.

So surely it is not too much to ask of each and every one of us, all 435 of us, to begin prioritizing and trying to deal with the spending habits that we have grown accustomed to. That is the argument. I would suggest that with \$594 million, the outright grant, that Amtrak can do the job that needs to be done and this \$22 million can be saved.

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

Mr. STENHOLM. I am happy to yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, I would just like to associate myself with the gentleman's remarks. I thought they were most eloquent.

I agree, yes, there is a great benefit to Amtrak customers, probably low fares being among them, but those low fares mean borrowing from the next generation and the generation beyond that. But the sacrifice is not ours when we operate that way, it is our children's and our grandchildren's.

What the gentleman from Texas is telling us is that we are going to have to sacrifice some today if we do not want to sacrifice tomorrow.

Mr. THOMAS A. LUKEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Texas makes a point based upon philosophy, about the spending of this Congress, but he ignores the fact that the slight increase here is 3.5 percent for inflation and \$61 million for capital.

I cannot overemphasize the importance of funding these projects, especially with regard to the capital expenditures. The general demise of rail passenger service that took place during the 1960's can be attributed in large part to the inability of many of the leading railroads to maintain their physical plants. Only through continued maintenance and improvement can Amtrak continue to make the strides—and it has made strides—toward reducing its dependence upon general support.

In these days, when the United States has already achieved a number of dubious distinctions, the transformation of the greatest creditor nation to a debtor nation, exporting jobs to the extent that we have by far the greatest trade deficit in the world, and having a colossal national debt, do we want to add to this list the dubious distinction of being the only great nation without a viable passenger rail system?

If Amtrak ceases to exist, 21 million passengers will have to find other means to get to work, if they can. The ideology expressed here today will not replace the 5 billion miles of passenger service that were rendered last year. The Federal Government has made a substantial investment in Amtrak since it was established in 1970. I say that it would be tragic to pull the rug out from under the riders who rely on Amtrak at this time when the most productive system has been accomplished. We have been reducing that dependence, and this budget will enable us to continue to reduce that dependence.

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

Mr. THOMAS A. LUKEN. I yield to the gentleman from Texas.

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

Mr. Chairman, my support of this amendment was to say that we can do the job with the same amount of money we had last year, \$594 million. I am not making the argument, if the gentleman was referring to any argument or statement that I made, concerning what the gentleman just said. The question of rail service for the United States is a separate issue. This amendment deals specifically with whether we should do the job with the same amount of money we had last year, which was \$594 million. That is my point.

Mr. THOMAS A. LUKEN. Mr. Chairman, that is the gentleman's argument, that the response is that there is a slight amount for inflation, an appropriate amount, a slight amount for capital. I did understand the gentleman from Texas, but he did get into the philosophical argument about spending by this Congress. That is what I was addressing myself to, that kind of general, nonspecific argument.

Mr. McMILLAN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. THOMAS A. LUKEN. I yield to the gentleman from North Carolina.

Mr. McMILLAN of North Carolina. Mr. Chairman, as I understand it, when Congress did create Amtrak in 1971, it was done with the intention that it would ultimately become self-funded. That is 1971. We are now talking about 1988.

We are not talking about cutting back Amtrak or eliminating Amtrak. We are simply talking about freezing the appropriation level in 1988 at the 1987 level, and if Amtrak is, in fact, making progress toward self-sufficiency, as the gentleman from Michigan has indicated and as the gentleman from Texas has indicated, then I really do not think this is a very harsh amendment to simply request that they operate at the same funding level of last year.

Mr. THOMAS A. LUKEN. Mr. Chairman, reclaiming my time, what is happening is that we are nibbling away at the system, and we are denying it the capital to refuel, to refurbish, and to keep it going. That is exactly what happened to rail services in the first place. That is what got them started on this slippery slope, and if we want to recover, we are going to have to put something back in the system and keep it on an even keel.

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

Mr. THOMAS A. LUKEN. I am glad to yield to the committee chairman.

Mr. DINGELL. Mr. Chairman, in constant dollars, we have reduced Federal support for Amtrak by more than 52 percent since 1979.

□ 1840

In terms of passenger miles per dollar of Federal support, the United States in 1986 got almost 9 miles of passenger carriage per dollar spent. In 1983 we got less than 6 miles, a 50-percent improvement, so the efficiency and the costs have gone in exactly the right directions. Efficiency up; costs are down.

Let us not interfere with that very sensible progression. If my colleagues want to keep the subsidy for Amtrak under control, the direction in the committee bill is the direction to take.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment that would reduce funding for Amtrak by some \$22 million. This cut would have a serious impact on Amtrak's ability to continue its efforts to improve service and reduce its long-term dependency on Federal assistance. Over the past 5 years, Amtrak has continued to fund an increasing portion of its operating needs from fares and other non-Federal funds. But an amendment of this sort would force a reduction in needed capital improvements, force the deferral of much-needed maintenance, and inevitably lead to a reduction in service frequency and quality.

These types of consequences could only have a detrimental effect on Amtrak's long-term financial condition. We can't cut back on capital needs without reducing service quality. And if we see declining service, that will adversely affect ridership and the ability of Amtrak to continue to improve its coverage of operating expenses from passenger fares.

Mr. Chairman, we can ill-afford cuts in needed safety improvements, nor in capital items to improve operating efficiency and service. Declining service and deferred maintenance will adversely affect ridership and the ability of Amtrak to continue to improve its operating performance.

The amounts currently provided in this bill are necessary for Amtrak's continued operation of the national route system, and I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. McMILLAN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 221, not voting 41, as follows:

[Roll No. 261]

AYES—171

Andrews	Hall (TX)	Packard
Archer	Hamilton	Patterson
Armey	Hammerschmidt	Penny
Badham	Hansen	Petri
Baker	Harris	Porter
Ballenger	Hastert	Price (NC)
Barnard	Hatcher	Quillen
Bartlett	Hefley	Ravenel
Barton	Herger	Rhodes
Bereuter	Hiler	Ritter
Bilbray	Holloway	Roberts
Bilirakis	Hopkins	Robinson
Billey	Houghton	Rogers
Boulter	Hubbard	Rose
Brennan	Huckaby	Roth
Broomfield	Hunter	Rowland (CT)
Brown (CO)	Hutto	Rowland (GA)
Buechner	Hyde	Saiki
Bunning	Inhofe	Schaefer
Burton	Ireland	Schneider
Callahan	Jenkins	Schroeder
Chandler	Johnson (CT)	Schuette
Chapman	Johnson (SD)	Sensenbrenner
Coats	Kasich	Shaw
Coble	Kolbe	Shumway
Coleman (MO)	Konnyu	Skaggs
Combest	Kyl	Slattery
Craig	Lagomarsino	Smith (NE)
Crane	Latta	Smith (TX)
Daniel	Leath (TX)	Smith, Denny
Dannemeyer	Lewis (CA)	(OR)
Darden	Lewis (FL)	Smith, Robert
Daub	Lightfoot	(NH)
Davis (IL)	Lott	Smith, Robert
de la Garza	Lowery (CA)	(OR)
DeLay	Lujan	Snowe
Derrick	Lukens, Donald	Spence
DeWine	Lungren	Spratt
Dickinson	Mack	Stallings
Dornan (CA)	MacKay	Stenholm
Dreier	Martin (IL)	Stump
Duncan	McCollum	Sundquist
Early	McCurdy	Sweeney
English	McMillan (NC)	Swindall
Erdreich	Meyers	Synar
Espy	Mica	Tauke
Fawell	Michel	Taylor
Fields	Miller (OH)	Thomas (CA)
Filippo	Miller (WA)	Thomas (GA)
Frenzel	Montgomery	Upton
Gibbons	Moorhead	Valentine
Gingrich	Morrison (WA)	Vander Jagt
Goodling	Neal	Vucanovich
Gordon	Nelson	Walker
Gradison	Nichols	Watkins
Grandy	Nielson	Weber
Gregg	Olin	Weldon
Hall (OH)	Oxley	Young (FL)

NOES—221

Akaka	Carper	Edwards (CA)
Alexander	Carr	Emerson
Anderson	Chappell	Evans
Annuzio	Clarke	Fascell
Anthony	Clinger	Fazio
Applegate	Coelho	Feighan
Aspin	Coleman (TX)	Fish
Atkins	Collins	Florio
AuCoin	Conte	Ford (MI)
Bateman	Coughlin	Frank
Beilenson	Courter	Galleghy
Bennett	Coyne	Gallo
Bentley	Crockett	Garcia
Berman	Davis (MI)	Gaydos
Bevill	DeFazio	Gejdenson
Biaggi	Dellums	Gekas
Boehlert	Dicks	Gilman
Boggs	Dingell	Glickman
Boland	Dixon	Gonzalez
Bonior (MI)	Donnelly	Grant
Borski	Dorgan (ND)	Gray (IL)
Boucher	Dowdy	Gray (PA)
Brooks	Downey	Green
Bruce	Durbin	Guarini
Bustamante	Dwyer	Hawkins
Byron	Dymally	Hayes (IL)
Campbell	Dyson	Hayes (LA)
Cardin	Eckart	Hefner

Henry	McMillen (MD)	Schulze
Hertel	Mfume	Schumer
Hochbrueckner	Miller (CA)	Sharp
Horton	Mineta	Shuster
Hoyer	Moakley	Sikorski
Hughes	Molinari	Sisisky
Jacobs	Mollohan	Skeen
Jeffords	Moody	Skelton
Jones (NC)	Morella	Slaughter (NY)
Jones (TN)	Morrison (CT)	Slaughter (VA)
Jontz	Mrazek	Smith (FL)
Kanjorski	Murphy	Smith (IA)
Kaptur	Murtha	Smith (NJ)
Kastenmeier	Myers	Solarz
Kennedy	Nagle	St Germain
Kennelly	Natcher	Staggers
Kildee	Nowak	Stangeland
Klecza	Oakar	Stark
Kolter	Oberstar	Stratton
Kostmayer	Obey	Studds
LaPalce	Ortiz	Swift
Lancaster	Owens (UT)	Tallon
Lantos	Panetta	Torres
Leach (IA)	Parris	Toricelli
Lehman (CA)	Pashayan	Trafficant
Lehman (FL)	Pease	Traxler
Leland	Pelosi	Udall
Lent	Pepper	Vento
Levin (MI)	Perkins	Visclosky
Levine (CA)	Pickett	Volkmer
Lewis (GA)	Pickle	Walgren
Lipinski	Price (IL)	Waxman
Lowry (WA)	Rahall	Weiss
Luken, Thomas	Rangel	Wheat
Madigan	Regula	Whittaker
Manton	Richardson	Whitten
Markey	Ridge	Williams
Marlenee	Rinaldo	Wise
Martin (NY)	Rodino	Wolf
Martinez	Roukema	Wolpe
Matsui	Roybal	Wortley
Mavroules	Russo	Wyden
Mazzoli	Sabo	Yates
McCloskey	Savage	Yatron
McGrath	Sawyer	Young (AK)
McHugh	Saxton	

NOT VOTING—41

Ackerman	Flake	Owens (NY)
Bates	Foglietta	Pursell
Boner (TN)	Foley	Ray
Bonker	Ford (TN)	Roe
Bosco	Frost	Roemer
Boxer	Gephardt	Rostenkowski
Brown (CA)	Gunderson	Scheuer
Bryant	Howard	Solomon
Cheney	Kemp	Stokes
Clay	Livingston	Tauzin
Conyers	Lloyd	Towns
Cooper	McCandless	Wilson
DioGuardi	McDade	Wylie
Edwards (OK)	McEwen	

□ 1855

The Clerk announced the following pairs:

On this vote:

Mr. Cheney for, with Mr. Howard against.
Mr. Gunderson for, with Mr. Towns against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long

as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1988: *Provided further*, That, notwithstanding any other provision of law, the Government shall sell all securities or promissory notes held by the Department of Transportation under authority of sections 502, 505-507, 509, and 511-513 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended: *Provided further*, That such securities or promissory notes authorized to be sold in the immediately preceding proviso shall be sold only for amounts greater than or equal to the net present value to the Government of each loan as determined by the Secretary of the Treasury and, if such sale is to a party other than the issuer, such sale shall be made only by the Secretary of the Treasury.

SETTLEMENTS OF RAILROAD LITIGATION

For the settlement of promissory notes pursuant to section 210(f) of the Regional Rail Reorganization Act of 1973 (Public Law 93-236), as amended, \$38,950,246, to be derived from the proceeds of settlements of railroad litigation, to remain available until expended.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$33,850,000, of which not to exceed \$625,000 shall be available for the Office of the Administrator.

RESEARCH, TRAINING, AND HUMAN RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, \$15,150,000, of which \$4,000,000 shall be derived from unobligated balances of "Urban Mass Transportation Fund": *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), \$1,865,000,000, together with \$5,000,000 to carry out the provisions of section 18(h) of the Urban Mass Transportation Act, as amended, to remain available until expended.

AMENDMENTS OFFERED BY MR. CHANDLER

Mr. CHANDLER. Mr. Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. CHANDLER: Page 30, line 21, strike "\$1,865,000,000" and insert in lieu thereof "\$1,775,000,000".

Page 32, line 3, strike "\$201,119,500" and insert in lieu thereof "\$191,119,500".

Mr. CHANDLER. Mr. Chairman, I know the hour is late. I will be brief.

Mr. Chairman, and my colleagues, I thank you for your patience and indulgence with this series of amendments. We have combined two and to save some time, let me describe them for you.

The first is a 5-percent reduction in the Urban Mass Transportation Administration, title IX, spending, which would reduce spending by \$90 million from the operating and capital fund.

Now, I must tell you that due to authorizing legislation this money, the \$90 million, would come from capital improvements in public transportation systems across the country; however, let me point out that while in 1987 we spent \$2 billion on these systems, in 1988 the proposed committee bill would spend \$1.8657 billion, about \$130 million less.

The Urban Mass Transportation Authority discretionary grants are up \$200 million for capital programs, which means you really only have about a \$2 million cut.

Now, lest anybody say that this is somebody doing it to somebody else, I can tell you that our own King County Metro has informed me that this would cost a park and ride lot in my district. Well, so be it, because it is time for us to volunteer to do some sacrificing if we are going to get spending under control in this country.

Now, the second amendment would reduce funding for the D.C. Metro. It would reduce funding by 5 percent, reducing the amount in dollars that D.C. Metro receives above four milligrams, which no other community in the United States receives. It would reduce from \$201 million down to \$191 million for funding from this source.

Now, I want to point out that these funds are in addition to the interstate transfer and the formula grants. No other community in the United States gets that money.

Mr. Chairman, if I could have the attention of the people from New York, you might be interested to know that your legislature has just approved legislation to rebuild the New York City Transit System. I guess you probably are aware it needs it. You do not have money like this coming from the Federal Government to help you. You do not have authority to get money like this from the Federal Government to help you. Only the D.C. Transit does and we are only suggesting that we cut that by a mere \$10 million.

Already Federal appropriations of this type total \$4.9 billion from the Federal Government, estimated to go to \$7.7 billion by the time you finish the near 90 miles of this system.

Mr. Chairman, I appeal to my colleagues one last time. Please help us in

at least a small way to reduce the spending by this Congress, to say no to ourselves even a little way, so that we can stop borrowing money today for the things that we ought to be willing to pay for today.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I have stated before, and I have to say again, we have a carefully crafted, well-balanced bill. It's fiscally responsible and under our anticipated section 302(b) allocations in both budget authority and in outlays. There is no need for this amendment.

As to mass transit formula grants, they are essential to maintaining and improving existing public transportation systems, not only in our big cities, but even more so in our smaller towns and rural areas. This program has already taken its fair share of reductions. Any further reductions could result in the loss of or reduction of public transportation in some of these areas.

Congress when it recently voted to override the President's veto on the highway transit, authorization bill expressed its strong support for continuing the formula grant program. This is an important program that affects hundreds of communities throughout the country.

As to Washington Metro, the funding we are recommending this year for Washington Metro construction is the same as the level provided in the current fiscal year. We are not proposing any increase in funding for the Washington Metro.

Mr. Chairman, Congress has debated the issue of funding for the Washington Metro many times. Congress has debated the issue of the funding of the section 9, formula grants, program many times, and I strongly urge my colleagues to vote "no" on this block of amendments.

Mr. SABO. Mr. Chairman, will the gentleman yield, please.

Mr. LEHMAN of Florida. I yield to my friend, the gentleman from Minnesota.

□ 1900

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

Am I not correct, Mr. Chairman, the funding for Washington Metro in this bill is frozen at last year's level?

Mr. LEHMAN of Florida. That is exactly right. We are at exactly last year's level.

Mr. SABO. The formula grant for transit, which is for both urban mass transit, rural mass transit, and for handicapped transportation is actually reduced from last year's funding?

Mr. LEHMAN of Florida. The gentleman is correct.

Mr. SABO. Mr. Chairman, I commend the gentleman for his state-

ment, and would hope that the House would defeat the amendment.

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

Mr. LEHMAN of Florida. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, following up on the point of the gentleman from Minnesota, yes, I agree that the committee did reduce the UMTA title IX grants, but is it not also true that the discretionary grants were increased by an amount sufficient to make it virtually the same amount as the year before?

Mr. LEHMAN of Florida. The gentleman is correct. The transit part essentially is a freeze.

Mr. CHANDLER. We want to make sure we are calling apples apples and oranges oranges.

We get close to a freeze, and this would reduce that amount by \$90 million.

Mr. LEHMAN of Florida. The gentleman is correct.

Mr. CHANDLER. I am not criticizing the gentleman. I am commending the gentleman.

I want to put forth to the Members, we have not cut the grants going to those local transit districts. This amendment would do that by \$90 million.

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

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. When this House overwhelmingly approved H.R. 2, reauthorizing the Nation's highway and transit programs earlier this year, we approved \$2.1 billion for the sections 9 and 18 formula programs, plus an additional \$100 million which would be distributed by formula through the new section 9(b) blending program. Thus, we were providing a total of \$2.2 billion in formula funding.

Because of hard budgetary choices which need to be made, the Appropriations Committee has reduced the formula programs to \$1.87 billion which, with the additional \$100 million from the blending program, total up to \$1.97 billion. So, this bill actually cuts these formula program by 10 percent from the levels we approved just 3½ months ago.

While I am not happy with these cuts, I respect my good friend, the gentleman from Florida [Mr. LEHMAN] and the committee members, and know that they have cut what was needed, without cutting so deeply as to be counterproductive.

These formula programs have been called the bread and butter of public transit around the country, in big cities and small towns alike. And as they are reduced, local transit properties are faced with the difficult decision of either curtailing service or raising fares. Either choice results in a

direct impact on transit users in our communities. Either choice takes transit users out of buses and rail cars and puts them back into their single passenger automobiles with the attendant increases in congestion and pollution which they engender.

Of course, as fares increase, ridership drops, and so those buses kept in service run with fewer passengers and a resultant decline in farebox receipts. It is not difficult to envision the vicious cycle of fare increases begetting reduced ridership and so further fare increases, that this amendment could stimulate.

Mr. Chairman, the gentleman's amendment is well-intentioned, addressing the very real macroeconomic conditions our country finds itself in. But believe me, the amendment offers only a mirage. It offers only a false economy.

Mr. Chairman, transit ridership is on the rise in this country. That is the good news. The bad news is that this amendment, if adopted, will reverse that trend. I urge its defeat.

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

Mr. ANDERSON. I yield to the gentleman from Washington.

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

I would like to ask the gentleman, and correct me if I am wrong, because of the authorizing legislation, we are not able with this amendment to cut any operating funds from the mass transit systems.

Therefore, whatever is cut would come from capital; and yes, there would be reductions, I agree with you on that, but the likelihood of fare increases is much less if we have not cut operating grants than if we cut capital?

Would the gentleman agree?

Mr. ANDERSON. I have been told that this amendment, if it would pass, would hit the transit not only in the big cities like where I am from, but probably even more so in rural America.

They keep telling me this is the area we have got to protect. We have to protect our transit if we want to keep the one person to a car or automobile syndrome.

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

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Washington, which in my judgment is unrealistic and ill conceived. There can be no question that the amendment would have a devastating effect on the Washington metropolitan area, a portion of which I am privileged to represent.

The gentleman's amendment would cut the funding for Washington's Metrorail system from the \$201 million

currently in the bill to approximately \$190 million. While the gentleman's goal to reduce the deficit is a noble one, the benefits of his amendment toward that end are negligible. The proposed cut of \$11 million would result in outlay savings of only about \$500,000. Given the fact that the deficit is measured in outlay dollars, the reduction is miniscule at best.

Clearly, the benefits of the amendment would be barely measurable—particularly in the face of the devastating impact passage of this amendment would have on this critically important component of Washington's transportation network.

Metro construction is unique—independently authorized—carried out under the contracting rules and programs of the Federal Urban Mass Transportation Administration which require that construction of a particular segment construction cannot be started until 100 percent of the funds necessary to complete that segment are available—this is known as the so-called operable segment theory. If we were to reduce funding to levels suggested by my friend from Washington, segment construction would be delayed until such time as the rest of the money becomes available. The bottom line here, Mr. Chairman, is that the \$500,000 initially saved by the gentleman's amendment would undeniably cost many times that amount through construction delays. Specifically, the delays would result in inflationary degradation of the contracting dollar and, more importantly, would result in the projected loss of what is now considered to be a very favorable bidding climate.

There are lots of reasons to reject this amendment. Let me just give you one more.

We recently sent out budget questionnaires to our constituents. In a cold solicitation in my congressional district right across the river, asked the question, "What is the most important local issue?" Seventy-four percent of the people in this area said transportation; and we are going to save \$500,000.

All things considered, Mr. Chairman, I would respectfully suggest to my friend from Washington that the result of his amendment would be directly contrary to its stated purpose. For the benefit of the budget and for the benefit of all of the residents and visitors who attempt with significant difficulty to get around this city, I would urge my colleagues to summarily reject this ill-conceived amendment.

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

Mr. PARRIS. I yield to the gentleman from Washington.

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

I had no idea that I was going to bring the entire Metropolitan Wash-

ington, DC, area to its very knees with this 5-percent reduction in their funds.

Mr. PARRIS. Wait until the gentleman sees my amendment for the Seattle system.

Mr. CHANDLER. We do not get this money in Seattle. No other community in the country does.

Mr. PARRIS. Mr. Chairman, reclaiming my time, the reason you do not get this money in Seattle is because Seattle does not happen to be the Nation's Capital.

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

I rise quite obviously in opposition to this amendment. The gentleman from Virginia has expressed well the negative impact that this would have on the Washington Metropolitan Transit System and the Washington metropolitan area.

However, we are in a fiscal crunch. We all know that.

What I want to speak to is not to add to what the gentleman from Virginia has said, although the gentleman has said it well. I wish to point out the financial situation of the Washington Metropolitan Transit System.

The gentleman from Virginia mentioned operable segments. That is in effect the negotiations we had with UMTA on how to build this system.

I wish the Members would listen to this letter from Ralph Stanley, a very fiscally prudent individual, dated June 1984.

Therefore, I reiterate the position taken during my testimony at the WMATA hearing before the House Appropriations Subcommittee that it would be fiscally imprudent for the Department of Transportation, and WMATA, to exhaust the remaining authorization to partially construct additional mileage in anticipation of such future, unspecified authorizations or appropriations as may be necessary to complete these lines.

□ 1920

Therefore, this administration said you have got to have enough money to complete whole segments. Now if I might, I will yield at the end, but let me make my point here. He then goes on to say in the same letter in June 1984, and I might say again this letter is from UMTA to Mrs. Carmen Turner, the administrator:

For our planning guidance, we suggest that cost estimates be based on an assumed annual federal appropriation level of \$250 million through the end of the present Stark-Harris authorization.

In other words, ladies and gentlemen of the House, the UMTA administrator said that WMATA ought to count on \$250 million in order to fund this system and build it out efficiently and effectively. Now that is Ralph Stanley.

Now, ladies and gentlemen, 2 years ago this House funded at the level of \$237 million. Last year this House funded at the level of \$217 million. It

was reduced to \$201 million. This year's appropriation under the plan would have been \$275 million.

Now the purpose for giving you all these figures ladies and gentlemen is to point out clearly that the Washington Metropolitan Transit System has not gotten away without participating in the fiscal, responsible efforts to cut spending. In fact, this request is \$74 million below what was projected and \$49 million below what UMTA said WMATA could rely on until Stark-Harris was spent out.

Stark-Harris was not being spent out. So it is \$49 million less than that. And it is a freeze, a freeze on last year's figures.

Ladies and gentlemen, this is a responsible figure, it is not last year's figure and it is the essential bottom line if we are to continue to build within the constraints placed upon us, fiscally responsible, by the administration. I would urge, ladies and gentlemen of the House, the defeat of this amendment.

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

Mr. HOYER. I yield to the gentleman from Washington.

Mr. CHANDLER. I thank the gentleman for yielding.

I would like to point out that on April 30, before the Subcommittee on Transportation of the Committee on Appropriations, Ralph Stanley, who the gentleman just quoted, said \$130 million of Federal appropriation for this year would be adequate and phase 3 of the funding could go forward and the project could be completed with that amount of money.

Mr. HOYER. Reclaiming my time, this administration is very flexible, I will say to the gentleman. I am glad the gentleman pointed that out. Ralph Stanley said that I could rely on \$250 million. Last year the administration provided zero for this program. The Congress rejected that proposal out of hand.

What I point out to the gentleman is that Ralph Stanley, before we were playing what, in my opinion, was a fiscal game with WMATA, from \$250 million to zero, said this year \$130 million.

My opinion, I will say to the gentleman, is that that figure was a political figure and not a fiscally responsible figure.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I commend the chairman and ranking minority member of the committee and the chairman and ranking minority member of the subcommittee for their support of the Metrorail system that means so much to the residents of and visitors to the

Washington metropolitan area—our U.S. Capitol.

In 1960, the U.S. Congress established the National Capital Transportation Agency to study the future of transportation in the Washington area and to develop an appropriate plan. In 1962, the Agency concluded that:

The region's . . . population is rapidly expanding . . . most people working downtown have no satisfactory alternative to using their automobiles. The result is serious congestion of streets and highways and this will become steadily worse unless a decided improvement is made in transportation facilities.

The Agency's chief suggestion for improving transportation between the suburbs and downtown was a subway system. The Federal Government, concerned that its employees would find it more and more difficult to battle through traffic to the jobs, was very supportive of the proposal. The local jurisdictions were also supportive but unable to afford construction of such a system. Thus was born a partnership between State, local, and national government that aimed to create a subway system that, as President Johnson put it, should "set an example for the Nation, and take its place among the most attractive in the world."

Twenty-five years later the Washington area's population, 2.2 million in 1960, has ballooned as expected, to 3.2 million. But luckily, the dream of a clean and efficient subway system has also become a reality, at least partially.

Metrorail is fast, carrying passengers from the Montgomery County border at Friendship Heights to the U.S. Capitol in just 29 minutes.

Metrorail is reliable, its trains coming by during rush hour at the marvelous rate of one every 2 minutes. Overall, the on-time rate is a remarkable 98.5 percent.

Metrorail is safe. Crime in the stations is almost unknown, and passengers are 1,000 times safer in a Metro-rail train than in their own vehicle.

Metrorail is clean. The platforms are nearly spotless and the walls and trains graffiti-free.

For the Eighth Congressional District of Maryland, which I represent, and in which 10 present and 3 future stations are located, the Metrorail system has been very important. Trips to and from Montgomery County on Metrorail total 90,000 every workday, well over the projected 70,000.

For the Washington area as a whole, Metrorail has been good for business, has dramatically reduced traffic congestion, and has significantly cut air pollution.

The Council of Governments estimates that, without Metro, an additional 90,000 private automobiles would enter the central business district during peak hours every workday.

Metrorail has also been described as the single largest contributing factor in the D.C. area's increased ability to control its air pollution problem.

But Metrorail is more than a subway for the Washington area. It is the transportation keystone of the Nation's Capital. Federal workers, the American taxpayer's employees, get to work faster, safer, and in better spirits because Metrorail exists.

The American taxpayer, him or herself, who may come to town with a cynical view of Washington, will leave impressed by the safe, clean, and efficient system he will use to get to his Representative's office and to the historical monuments and museums that this country holds dear.

I think it is safe to say that Metrorail is even more successful than any of us dared imagine. But it is not complete. The plan calls for 103 miles of track and 86 stations. The system currently is 70 miles long with 64 stations.

The appropriations bill before us today includes \$201 million to keep Metrorail construction on track. This represents a freeze of last year's figure. It is also a reduction from the \$250 million upon which Metro's full funding agreement was predicated, and is the least Metro can receive and still proceed to the next operable segment without further jeopardizing essential bus and rail reliability projects. The amendment at hand does not make the savings that it appears to make. Because only 5 percent of Metro funding is actually spent the first year, this \$10 million cut would really only reduce this year's deficit by \$500,000. This cut would also actually cost money in the long run, necessitating a stretching out of construction schedules as well as causing less efficient operations.

Local jurisdictions have always met their funding commitments—there has never been a delay in the provision of county or State moneys. Metrorail has met its commitment—it managed to cut its cost per scheduled mile between 1986 and 1987 and has one of the highest revenue-to-cost ratios of any mass transit system in the country. Indeed, Metrorail is particularly anxious to receive the full amount recommended by the committee this year because the superb bidding climate will allow it to make especially good use of every dollar spent in fiscal year 1988.

Now, it is time for the Federal Government to meet its commitment to the Metrorail system. I hope that my colleagues will do so, and support the full \$201 million that the committee has requested.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington. The transpor-

tation appropriations bill is the finely crafted product of many months of diligent work by Chairman LEHMAN, Vice Chairman COUGHLIN, my other distinguished colleagues on the subcommittee and the Appropriations Committee staff.

The bill represents a finely balanced effort to provide for the many compelling and competing needs of transportation programs across the country. The figures in the bill come after months of hearings and careful analysis of all programs and projects involved.

While I realize there are many difficult choices to be made in light of current funding restraints, it is of great concern to me that an amendment is being offered to reduce funding for the Washington Metropolitan Area Transit authority by 5 percent.

The committee recommended level of \$201 million is the same level as last year—a freeze. This level already represents a cut of nearly \$500 million from what WMATA was told to budget for each year until the remaining Stark-Harris authorization funding is expended. The Full Funding Agreement signed 1 year ago, was predicated on a construction program which envisions the need for annual appropriations of \$250 million.

Because of the additional cut being proposed today, it appears that we are being penalized for being prudent in committee. The \$201 million level is the amount considered to be the very lowest responsible level. In this figure, there is no allowance for "bargaining" or cushion to protect Metro from subsequent attacks.

We must maintain an optimum level of momentum in the Metro construction program. Any additional cut will delay the construction schedule, and prevent Metro from taking full advantage of the current favorable bidding climate.

By maintaining momentum in the construction program, Metro can better utilize cost control methods, such as putting expensive construction equipment and laborers time to best use at multiple sites, and acquiring farecard machines in greater volumes. A dragged out, piecemeal construction program will prove much more costly in the long run.

Washington Metro is not a new start. Over two decades ago, the Federal Government entered into a commitment with the Washington region. The local governments have consistently met their contractual obligations with the expectation that the entire system would be built.

I hope my colleagues will consider the merits of maintaining the level of funding approved by the Appropriations Committee, which is already severely reduced, so that we can meet the needs of this vital rapid rail

system and fulfill the Federal part of the agreement.

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

Mr. SISISKY. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. SISISKY. Mr. Chairman, I rise today to ask that we not change the amount of money the Congress has committed to the Nation's Capital metrorail system—especially since the appropriations bill we are now discussing has met the Gramm-Rudman limits.

Remember this is the rail system that moved 440 thousand people on the Fourth of July without any problems. This is the rail system that day-in, day-out moves thousands of people throughout the metropolitan area. This is the rail system that your constituents and mine use everytime they visit Washington.

What we are talking about today is a partnership—a partnership that brings together the Federal Government, the Commonwealth of Virginia, the State of Maryland, the District of Columbia, local jurisdictions, and fare-paying passengers.

This is a delicate balance, and we should not destroy it by supporting this amendment.

In 1952 Congress mandated a plan for the movement of people in the Washington metropolitan region. By 1967, after many years of struggle and negotiation, the Washington Metropolitan Area Transit Authority was born to resolve some of the jurisdictional problems between Federal, State and local governments.

I can assure you, State legislators in Virginia were not all that happy with the prospect of supporting an expensive transportation system for just the northern Virginia area. However, since 1964 when the Commonwealth created the Northern Virginia Transportation Commission, all of Virginia has been committed to this cooperative effort to solve the transportation problems of this region.

In fact, in 1980, one of the most controversial pieces of legislation that was fought in the Virginia General Assembly was a 2-percent gas tax levied on the citizens of northern Virginia to meet the Commonwealth's commitments to create a stable and reliable source of funding for Metrorail.

At the time I served in the Virginia General Assembly, on the finance committee. I represented an area of the Commonwealth that was some 100 miles away from northern Virginia. Most of my constituents would seldom use Metrorail.

But I was persuaded that northern Virginia and the entire Metropolitan Washington area desperately needed metrorail. The Stark-Harris Act provided \$1.7 billion for metrorail and required the States to come up with a stable source of funding.

Ladies and gentlemen, Virginia kept its part of the bargain. And that's all we ask in return—for the Federal Government to keep its promise. This is not the time to renege, this is not the time to rewrite the rules.

Agreements have been signed based on the legislation passed in 1979. These agreements would be very expensive to break.

Construction schedules have been agreed to. Commitments have been made to local governments. They have paid into the metro fund based on these agreements.

Redoing these agreements and revising these timetables are very impractical and extremely costly.

I urge you to vote against this amendment and for Congress to live up to its end of the bargain.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. CARDIN. Mr. Chairman, I rise in strong opposition to the amendment. The Washington metropolitan area is served today by one of the most successful mass transit systems in the world. We have made significant investments in the system and those investments have been more than paid back—ridership has surpassed expectations and nearly a third of the region's population is served by the subway and bus system each day; economic development throughout the region and especially in the corridors closest to metro stations has boomed; and the quality of the service provided, as measured by safety, reliability, and comfort, is exemplary.

Completion of metro construction as provided for through the committees' recommendation of \$201 million appropriations deserves our support. Due to budget constraints at the Federal level compromises have been made in the construction plans originally agreed to. These compromises have been extremely difficult to reach as so many jurisdictions are effected and metro service directly correlates to regional development. Once commitments have been worked out, with the full participation of the Federal Government, it is our responsibility to fund those commitments. The funding we are considering today will take the metro into Prince Georges County and Anacostia; two areas where the economic development potential of metro service will be most welcome.

Metro service to Greenbelt, Maryland will provide two key benefits beyond simple extension of service. It will provide a direct connection to a commuter rail station being built by the State of Maryland. This will allow the most convenient access to the Washington area for commuters from Baltimore and much of the Baltimore-Washington corridor. The Greenbelt station will also have access ramps directly to and from I-95 allowing commuters and those traveling from throughout the Northeast to enter and travel throughout the Nation's capital much more easily.

Washington's metro system does not even come close to serving my district and only a very limited number of my constituents utilize the system on a daily basis. But I see it as a critical component of Washington's development, a most important factor in the growth of the Baltimore-Washington corridor, and a great asset to the Nation and the hundreds of thousands of citizens who visit their capital

each year. I believe the system deserves our support and that the investments we make in the system today will be more than returned in the future.

Mr. McMILLEN of Maryland. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

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

Mr. Chairman, I would like to point out a way that you could probably save this \$10 million that we are talking about just through procurement procedures that are taken by Metro. I will give you a perfect example. Earlier this year we all remember the snow storms that hit the Washington area and brought Metro to its knees because the rails froze up. So Metro deemed it necessary to buy a system of heating the rails and they wrote the specs to buy the system to heat the rails but they wrote the specs in such a way that only one person could provide the process by which you heat the rails.

Now there was a company in Texas, not in my district I have to say, that raised objections to this because they had a system that has been used in Boston, by the way, and saved the company in Boston 50 percent of the cost of money in heating their rails. They were upset because they were precluded because of the bid specs from bidding on this process.

We raised the issue in subcommittee when we had Metro before us. We asked them about this and about other systems that may be used to heat the rails. Well, I was assured that this company in Texas would be able to test the product under Metro's supervision and be able to have an influence on the bid specifications so that they could bid.

Well, we went along, and this was in March, we went along for a long time. Just last week Metro put bid specifications out that were changed again. Now they claim two companies can bid. That brings in competition.

In actuality, only one company can bid still. Then they called the company in Texas the Wednesday after they submitted the specifications and told them to come in and test their product. I was informed today that they have no intention of looking at other ways of heating rails, that on the phase 1 they are going to buy the old system that they have specifications for and they are going to put that in and test the other system over the winter, because under today's technology you cannot test things except in conditions out in the wild.

Well, we know anybody can, with the kind of engineers we have, we can test anything.

So what I am telling you Members is that the procurement procedures in Metro are such that we need to really look into them. I will bet you any amount of money that by cutting their budget 5 percent it will force them to look into it. They are talking about \$10 to \$20 for every mile of phase 1 of 30 miles, to the tune of \$3.5 million to \$4 million on the first procurement. Now if this other system, or through competition as was evidenced in Boston comes into effect, we could save them 50 percent of that money. They are talking about 68 miles total heating of rails. That works out to a total anywhere from \$6 million to \$9 million under their specifications. If we could save them 50 percent of that we are talking about \$3 million to \$4.5 million. That is almost half of what the gentleman from Washington is talking about. And that is just one system.

My goodness, how do they procure things in other more expensive systems in Metro? I think that we seriously have to look at this. It concerns me that the gentleman is taking these amendments en bloc because I do not support the cutting of UMTA but I do support the cutting of Metro.

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But I do support the cutting of Metro. Maybe when we get back into the full House, we could ask for a separate vote on that particular amendment. I think Metro has to look in-house before it comes to this House asking for money. When they are spending the money of taxpayers in Tennessee, money of the taxpayers in Nevada, and money of taxpayers in Texas on the Metro system in Washington, DC, they ought to be spending it better than they are.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

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

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

Mr. DELAY. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I think the gentleman in the well is making a very good point, and the Members of the House should hear it. I am familiar with the frustration in the bidding and procurement procedures that he has outlined to us.

I do not wish to cut funds from the Metro system, and I do not wish to

take away funds from UMTA, because UMTA is a very responsible agency.

But I say to the gentleman and the members of the committee that these procurement procedures ought to be looked into because they are full of frustration and doubt and misgivings about who can bid and when they can bid. I would ask, Mr. Chairman, that the committee look into these procedures. I am not trying to take funds out of their appropriations but I do think it has gotten to the point where more light should be shed on it, and I do hope an overview will give us more light on that aspect of it.

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

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

Mr. PARRIS. Mr. Chairman, just for the record, I want to make sure that the gentleman understands that his amendment that is addressed to section 14, Public Law 96-184, goes to construction and construction alone. It would not impact on the heating problem, the specifications of heating the rails to which the gentleman alludes.

Mr. DELAY. Mr. Chairman, I understand the gentleman, but if we save \$10 million in procurement, then they could probably take that \$10 million and put it into the \$10 million the gentleman from Washington is trying to cut.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has again expired.

(On request of Mr. HOYER, and by unanimous consent, Mr. DELAY was allowed to proceed for 30 additional seconds.)

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

Mr. DELAY. I am glad to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman's concern. The gentleman and I have had the opportunity of discussing this, and I know he has some folks who apparently can do the job that he feels have not been given a fair shot at procurement. I do not have any formal representation, but I want to assure the gentleman that we will look into this question because we want to spend our money efficiently and effectively. It is his money and the people's money. We want to build the finest system in the world, but we want to do it in the best possible way. I want to assure the gentleman that I will work with him and make sure his constituents and others get a fair shot at the competition.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Washington [Mr. CHANDLER].

The amendments were not agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs in excess of \$1,200,000,000 in fiscal year 1988 for grants under the contract authority authorized in section 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, \$1,100,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, \$130,000,000, to remain available until expended.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, \$201,119,500, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$2,100,000 shall be available for administrative expenses, which shall be computed on an accrual basis, including not to exceed \$3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided*, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and \$15,000 shall be available for services as authorized by 5 U.S.C. 3109.

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, \$11,500,000, 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, and for expenses for conducting research and development, \$12,900,000, of which \$2,020,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

PIPELINE SAFETY
(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, \$9,200,000, to be derived from the Pipeline Safety Fund, of which \$5,150,000 shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$29,300,000.

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, \$2,000,000.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$24,040,000, of which not to exceed \$500 may be used for official reception and representation expenses.

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

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 35, line 2, strike "\$24,040,000" and insert in lieu thereof "\$25,400,000".

Mr. GLICKMAN. Mr. Chairman, I offer this amendment on behalf of myself, the gentleman from Illinois [Mr. Russo], the gentleman from New York [Mr. MOLINARI], and the gentleman from Illinois [Mrs. COLLINS].

The purpose of this amendment is to add enough money to provide an additional 23 full-time inspectors at the National Transportation Safety Board whose job it will be to investigate near misses and midair collisions by aircraft in the skies. The reports indicate that there is at least one near midair collision of aircraft every day. There were twice as many in 1986 as in 1985. Given the poor state of our aviation

infrastructure, I am not surprised. Something needs to be done.

My amendment would provide about \$1.3 million in additional funding. That is the amount requested by the National Transportation Safety Board to the Office of Management and Budget for additional employees to investigate near misses and midair collisions by aircraft, aviation accidents, and to evaluate the effectiveness of the transportation safety programs of various agencies.

Mr. Chairman, in discussions with the National Transportation Safety Board people, they indicated that they need this money to investigate the midair collisions we have been having. They went to OMB to get the money, and they were turned down. The committee did give them some additional funding, but not as much as they needed to investigate these accidents.

Mr. Chairman, I would make a couple of points. We just about lost a thousand people over the Atlantic Ocean last week due to a midair collision. Reports of midair collisions are increasing all the time in this country. This board, the NTSB, has been the real lever on the FAA to make sure they are doing their job. I want to repeat that. The NTSB has been the real lever on the FAA to make sure that air safety is as high a priority in this country as it should be, and the additional \$1.3 million that I am talking about—and quite candidly, it is an increase in spending—that money that has been requested by the NTSB just could save 200 lives, 500 lives, or a thousand lives in terms of telling the FAA what to do.

Recently the NTSB has been the one which has gotten the FAA to slow down the flow control system in this country to try to prevent airline accidents around America. So I truly believe that this amendment will save lives. The public wants it. It is a responsible amount of money to spend. The NTSB has asked for this money to spend to investigate midair collisions and to try to prevent a catastrophe from happening in the skies.

So, Mr. Chairman, I would urge my colleagues to support this modest increase in order to preserve and protect the flying public in this country and to increase air safety in America.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

The effect of this amendment would be to exceed the expected or tentative budget resolution allocation. It is not a lot of money, but it does exceed the allocation limitations.

We are right at the ceiling, and I expressed a commitment before and to the full committee that the subcommittee would live within these ceilings that will be allocated to us.

We have already added 14 positions over the budget. And there is an addi-

tional amount provided for NTSB in case they have more accidents to investigate, amounting to half a million dollars in a contingency fund which can be used for emergency situations.

Mr. Chairman, I think NTSB is adequately funded at this time, and I would have to oppose the amendment and ask my colleagues also to oppose the amendment.

Mr. MOLINARI. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, this amendment is an extremely important amendment. I think perhaps it is one of the most important to be offered today.

We are not talking about big money. We are talking about a little over a million dollars.

The issue of the National Transportation Safety Board and its ability to do the job is something that has been articulated by the gentleman from Kansas. The simple fact is that they do not have the money today to investigate most near midair collisions. They investigate near midair collisions on the basis of discretion.

The gentleman from Kansas pointed out what happened in the past few days. We are going to hear tomorrow or the day after the tapes of that incident. The Air Force pilot tapes will be released tomorrow or the day after, and they are going to hear two pilots, one from Continental and the other from Delta, talk about not filing a near midair collision that almost took a lot of lives. And it is not the only one. And under FAA's new reporting system—and this is important—even though the passengers had taken pictures of what had happened and even though the Air Force pilot saw what had happened, this would not have been reported if neither pilot of the offending planes took the action to report that incident.

Now, let us talk a moment about figures. I ask the Members to listen to these figures. They are very, very recent. For the first 6 months of last year we had 390 near midair collisions. Of those 390, 155 involved air carriers. For the first 6 months of this year, there were 501, and of that amount 213 involved air carriers. There has been a 22-percent increase in the last 6 months over the year before and a 27-percent increase in those involving air traffic carriers.

We are reaching a point where our luck is going to run out. Those figures are dramatic. They do mean something. They are the same figures FAA was quoting back in 1984 to justify the fact that the system was allegedly safe when they thought these figures were going down.

This is a very modest sum. It is critically needed, and I agree with the gentleman from Kansas that it is not going to solve all the problems, but I

believe it is a solid, substantive step for air traffic safety, and it could well result in the saving of many lives.

Mr. Chairman, I beg of the Members to pass this amendment on a voice vote, and I think that next year we will not regret that move.

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

Mr. Chairman, I think it is critically important that we pass this particular amendment. As the chairman of the Government Activities and Transportation Subcommittee, which has held a large number of hearings on FAA and safety, we have done report after report and have had all kinds of hearings indicating how vitally important it is to have the kind of assistance we have for the National Transportation Safety Board. We have had figures quoted to us just now and also by the gentleman from Kansas about the number of near misses we have had. There has been a tremendous increase in the number of near misses that we have seen. But those are only the recorded near misses. All we need to do is talk to people who are pilots and flight engineers and people who are frequent flyers and we will find that there are even more than have been indicated today. Those are only the ones that appear on the record.

The National Transportation Safety Board is not asking for much. They are only asking us to make sure that the flying public is safe. It seems to me that we cannot measure the element of safety by a few million dollars. Sure, money is important, but I happen to believe that human life is more important than mere dollars.

Mr. Chairman, I hope that we will support this amendment. It is a good amendment. It is a needed amendment. We all should be proud to support this amendment.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the subcommittee chairman has indicated that this amount for the National Transportation Safety Board in the bill is already \$1.8 million above last year, and it is \$480,000 above the budget. It has everything in here that is necessary.

Mr. Chairman, I am for the subcommittee at this late hour of the night. When things get frayed here, I suggest that the Members stick with the committee that has fought this thing through.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The amendment was agreed to.

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The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed \$1,500 for official reception and representation expenses, \$46,625,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed \$500,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

For operating expenses necessary for the Panama Canal Commission, including hire of passenger motor vehicles and aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed \$10,000 for official reception and representation expenses of the Board; operation of guide services; residence for the Administrator, disbursements by the Administrator for employee and community projects; not to exceed \$4,000 for official reception and representation expenses of the Secretary; not to exceed \$25,000 for official reception and representation expenses of the Administrator; and to employ services as authorized by law (5 U.S.C. 3109); \$422,950,000, to be derived from the Panama Canal Commission Fund: *Provided*, That there may be credited to this appropriation funds received from the Panama Canal Commission's capital outlay account for expenses incurred for supplies and services provided for capital projects.

CAPITAL OUTLAY

For acquisition, construction, replacement, and improvement of facilities, structures, and equipment required by the Panama Canal Commission, including the purchase of not to exceed 42 passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama, the purchase price of which shall not exceed \$14,000 per vehicle); and to employ services authorized by law (5 U.S.C. 3109); \$33,250,000, to be derived from the Panama Canal Commission Fund and to remain available until expended.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States' portion of tolls paid for use of the St. Lawrence Seaway, pursuant to Public Law 99-662, \$10,700,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed \$300,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments to remain available until expended, \$51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184

and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year nor may any be transferred to other appropriations unless expressly so provided herein.

SEC. 308. None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Transportation System Center; and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title, 5, United

States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Sec. 310. (a) For fiscal year 1988 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1987, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicated its intention to lapse sums apportioned under section 104(5)(A) of title 23, United States Code;

(2) after August 1, 1988, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the strategic highway research program and amounts made available under sections 149(d), 158, 159, 164, 165, and 167 of Public Law 100-17.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1988 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, obligations under section 157 of title 23, United States Code, projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, section 320 of title 23, United States Code, projects authorized by Public Law 99-500 and Public Law 99-591, or projects covered under subsections 149 (b) and (c) of Public Law 100-17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1988 obligates the amount distributed to such State in that fiscal year

under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1988, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 104(e)(4) of such title, which are not obligated on the date such State completes obligation of the amount so distributed;

(f) During the period August 2 through September 30, 1988, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 104(e)(4) of such title,

which would not be obligated in fiscal year 1988 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized; and

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1988, has the amount distributed to such State under paragraph (a) for fiscal year 1988 reduced under paragraph (c)(2).

Sec. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred thirty-eight political and Presidential appointees in the Department of Transportation.

Sec. 312. Not to exceed \$700,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

Sec. 313. None of the funds in this or any other Act shall be made available for the proposed Woodward light rail line in the Detroit, Michigan, area until a source of operating funds has been approved in accordance with Michigan law: *Provided*, That this limitation shall not apply to alternatives analysis studies under section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended.

Sec. 314. The limitation on obligations for the Discretionary Grants program of the Urban Mass Transportation Administration shall not apply to any authority under section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

Sec. 315. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

Sec. 316. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

Sec. 317. (a) SAFETY ENFORCEMENT PROGRAM PERFORMANCE.—The Secretary of Transportation shall on or before January 1 of each year transmit to the Congress a comprehensive report on the Federal Aviation Administration's prior fiscal year safety enforcement activities. The report shall include:

(1) a comparison of end-of-year staffing levels by inspector category (operations, maintenance, avionics) to staffing goals and a statement as to how staffing standards were applied to make allocations between air carrier and general aviation operations, maintenance and avionics inspectors;

(2) schedules showing the range of inspector experience by various inspector work force categories, and the number of inspectors in each of the categories who are considered fully qualified;

(3) schedules showing the number and percentage of inspectors who have received mandatory training by individual course, and the number of inspectors, by work force categories, who have received all mandatory training;

(4) a description of the criteria used to set annual work programs, an explanation of how these criteria differ from criteria used in the prior fiscal year and how the annual work programs ensure compliance with appropriate Federal regulations and safe operating practices;

(5) a comparison of actual inspections performed during the fiscal year to the annual work programs disaggregated to the field locations and, for any field location completing less than 80 percent of its planned number of inspections, an explanation as to why annual work program plans were not met;

(6) a statement of the adequacy of Federal Aviation Administration internal management controls available to ensure that field managers are complying with Federal Aviation Administration policies and procedures including those regarding inspector priorities, district office coordination, minimum inspection standards, and inspection follow-up;

(7) the status of the Federal Aviation Administration's efforts to update inspector guidance documents and Federal regulations to include technological, management, and structural changes taking place within the aviation industry, including a listing of the backlog of all proposed regulatory changes;

(8) a list of the specific operational measures of effectiveness—"best proxies" standing between the ultimate goal of accident prevention and ongoing program activities—that are being used to evaluate progress in meeting program objectives, the quality of program delivery, and the nature of emerging safety problems;

(9) a schedule showing the number of civil penalty cases closed during the two prior fiscal years, including total initial assessments, total final assessments, total dollar amount collected, range of dollar amount collected, average case processing time, and range of case processing time;

(10) a schedule showing the number of enforcement actions taken, excluding civil penalties, during the two prior fiscal years, including total number of violations cited, and the number of cited violation cases closed by certificate suspension, certification revocations, warnings, and no action taken; and

(11) schedules showing the aviation industry's safety record during the fiscal year for air carriers and general aviation, including the number of inspections performed where deficiencies were identified compared with inspections where no deficiencies were found and the frequency of safety deficiencies per carrier as well as an analysis based on the data of the general status of air carrier and general aviation compliance with Federal Aviation Regulations.

(b) LONG-RANGE NATIONAL TRANSPORTATION STRATEGIC PLANNING STUDY.—The Department of Transportation shall undertake a long-range, multi-modal national transportation strategic planning study. This study shall forecast long-term needs and costs for developing and maintaining facilities and

services to achieve a desired national transportation program for moving people and goods in the year 2015. The study shall include detailed analyses of transportation needs within six to nine metropolitan areas that have diverse population, development, and demographic patterns, including at least one interstate metropolitan area. This study shall be submitted to Congress on or before October 1, 1989.

Sec. 318. Within seven calendar days of the obligation date, the Urban Mass Transportation Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, including the grant number, the grant amount, and the transit property receiving each grant.

Sec. 319. None of the funds appropriated in this Act may be used to prescribe, implement, or enforce a national policy specifying that only a single type of visual glideslope indicator can be funded under the facilities and equipment account or through the airport improvement program. *Provided*, That this prohibition shall not apply in the case of airports that are certified under part 139 of the Federal Aviation Regulations.

Sec. 320. (a) The Federal Aviation Administration shall satisfy the following air traffic controller work force staffing requirements by September 30, 1988:

- (1) total air traffic controller work force level of not less than 15,900;
- (2) total operational air traffic controller level of not less than 12,250;
- (3) total full performance level air traffic controllers of not less than 10,350; and
- (4) at least 70 percent of the air traffic controller work force, excluding common screen students, at each center and level 3 and above terminal shall have achieved operational controller status;

(b) The Secretary may waive any requirement of this section by certifying that such requirement would adversely affect aviation safety: *Provided*, That such a waiver shall become effective 30 days after the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirement.

Sec. 321. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, or research, and related costs thereof including necessary capital expenses, are available for such purposes to be conducted through contracts or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

Sec. 322. The Secretary of Transportation shall permit the obligation of not to exceed \$4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida during each year that Interstate 95 is under reconstruction in such area.

Sec. 323. None of the funds provided by this Act for any appropriation shall be available for rental payments to the General Services Administration which exceed such rental payments made during the fiscal year ending September 30, 1987, by more than 4 percent.

Sec. 324. Notwithstanding any other provision of law, section 144(g)(2) of title 23, United States Code, shall not apply to the Southside Bridge in Charleston, West Virginia.

Sec. 325. The portion of Oklahoma State Route 99 between the United States Highway 377 and Interstate Route I-44 which portion is on the Federal-aid primary system shall hereafter be designated as "United States Highway 377". Any reference in a law, map, regulation, document, record or other paper of the United States to such highway shall be held to be a reference to "United States Highway 377".

Sec. 326. Within 12 months of enactment, the Federal Aviation Administration shall adopt regulations requiring the installation and carriage of operating automatic altitude reporting equipment for all aircraft operating in terminal air-space where air traffic control radar service is provided, and in all controlled airspace above a minimum altitude to be determined by the Federal Aviation Administration. This regulation shall be effective on the earliest feasible date.

Sec. 327. None of the funds appropriated or made available by this Act or any other Act shall be made available to the New York Metropolitan Transportation Authority unless, within 30 days after the date of enactment of this Act, such authority prohibits all smoking on the Long Island Railroad.

Mr. LEHMAN of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III down through and including line 16 on page 51 of the bill 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 Florida?

There was no objection.

Mr. CHANDLER. Are there any points of order?

AMENDMENT OFFERED BY MR. PENNY

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

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 51, after line 16, insert the following new section:

Sec. 328. Each of the amounts appropriated by this Act not required to be appropriated by law shall be reduced by 3.3 percent.

Mr. PENNY. Mr. Chairman, on each appropriation bill that has been brought to the floor so far there have been a variety of line item amendments to reduce spending. Most of those amendments have been rejected. One exception to that rule occurred during the consideration of the legislative appropriation bill where two of the three line item amendments were accepted by this House, and because of that no across-the-board cut was offered to the legislative appropriation bill.

In all other instances, on Commerce, Justice and State Departments, on Energy and Water, on Interior, we have offered at the tail end of the bill an across-the-board cut to reduce by one-half the rate of increase in spending in that particular appropriation bill. Again, that has been offered because line item appropriation cuts have not been adopted to those measures by this House.

The strategy again, for those who need to be reminded, is to reduce the

rate of increase in each spending bill by 50 percent, still allowing half of the Appropriation Committee's recommended increase for those budget items so that overall we could cut back spending by \$7 billion.

Most of us are still familiar with the details of the budget resolution which called for \$19 billion in tax increases and \$17 billion in what was called spending reductions. But \$7 billion of those so-called spending reductions were attributable to REA loan refinancing, which is really a one-time income for the Government and it was used to mask higher spending levels to the tune of \$7 billion, which will then be built into our spending base line.

So we are offering these amendments to cut the rate of increase by one-half on each appropriation bill to save that extra \$7 billion in spending, and to better meet and honestly meet our budget target of at least \$17 billion in spending cuts.

This Transportation appropriation bill appropriates for fiscal year 1988 \$11.1 billion. That represents a \$722 million increase over fiscal year 1987. In other words, a 7-percent increase.

Most of that growth is attributable to a huge increase for the Federal Aviation Administration, which admittedly is a high priority item. That part of the budget would increase from \$3.8 billion in fiscal year 1987 to \$4.6 billion in fiscal year 1988.

Our amendment would simply cut the 7-percent increase in this bill back to 3.3 percent. It would be an across-the-board cut affecting all items within this measure.

For example, in those areas like the FAA that are considered to be high priority the amendment would only reduce the rate of increase, still allowing for growth in the FAA budget.

Let me conclude my remarks in support of this amendment by drawing to the Members' attention an article that appeared in the Saturday edition of the Washington Post. The headline in that article is: "Reagan orders new cuts as '88 deficit rises." It begins: "President Reagan has ordered Federal departments to come up with another \$10 billion to \$15 billion in budget cuts to offset rising estimates in the next year's deficit." It goes on to point out that at the same time the "House Budget Committee chairman, WILLIAM GRAY, released a new analysis of the fiscal 1988 budget deficit that predicts an \$11 billion increase in the deficit over what was projected earlier this year."

In other words, we are now at least \$11 billion farther behind, and all we are asking in these amendments is to make some progress toward making up that difference.

If adopted, this amendment would cut the rate of increase from 7 percent to 3.3 percent and would save us \$361

million in this particular budget category. I urge its adoption.

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

Mr. PENNY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, as I understand it, the contemplation of the gentleman's amendment is that it is affecting each and every program in the Transportation bill, irrespective of whether or not that program has had an increase or has been frozen or, in fact, had a decrease.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. PENNY] has expired.

(On request of Mr. HOYER and by unanimous consent, Mr. PENNY was allowed to proceed for 20 additional seconds.)

Mr. PENNY. The amendment would be across the board, it would affect every item within the bill, every program within the bill. So those areas that have received increases would get a lesser increase; those areas that the gentleman's committee has chosen to reduce would be reduced slightly more, so the committee's priorities would be retained.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I said before, the bill is essentially within our subcommittee's discretionary 302(b) allocation. We have a responsible and well balanced bill.

The bill is somewhat above the 1987 amount, as the gentleman has indicated. But this increase is almost entirely related to the FAA. We are recommending an increase over fiscal year 1987 of \$820 million for the FAA.

The rest of the bill is \$100 million less than the 1987 appropriations. Therefore, if we exclude the funding for FAA or exclude the increase for FAA, the bill is actually below the 1987 level.

A 3.3-percent reduction sounds like a relatively insignificant sum, but I just want Members to know how this impacts on three particular programs, because two-thirds of the money the gentleman is talking about is in the FAA and the Coast Guard.

The amendment would make about a \$107 million cut in FAA operations. This is money that we need to run the FAA air traffic control system, and a cut of that size will virtually eliminate the committee increase for additional air traffic controllers, flight service specialists and maintenance technicians.

Mr. PENNY. Mr. Chairman, will the gentleman yield on that point?

Mr. LEHMAN of Florida. I yield to my friend, the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, when you describe a \$107 million cut, that is a cut from the committee's recommen-

dation which allows for a roughly \$800 million increase in that part of the budget.

Mr. LEHMAN of Florida. The gentleman is correct.

Mr. PENNY. So we would still leave that part of the budget with somewhere close to \$700 million in additional money next year as compared to this year?

Mr. LEHMAN of Florida. The gentleman is correct. But I want Members to realize that we are rebuilding our air traffic control system. The amount of air traffic has escalated significantly in recent years. If Members enjoy sitting for 2 hours on a taxi strip, if they vote for this amendment they can love sitting for 4 hours, because that is what it will do, because we will not have the money to properly operate the air traffic control system.

This amendment would also require about a \$75 million cut in the Coast Guard needed for search and rescue, marine safety and drug interdiction. If my colleagues do not like the way we interdict drugs now, they are certainly not going to like the way we interdict drugs when we cut another \$75 million.

This amendment will also require about a \$70 million cut in mass transit. These grants are for public transportation. We just voted down cuts in those funds just a short time ago.

These are but a few of the programs that will be hurt by this amendment. Mr. Chairman, this bill is basically within our expenses of the 302(b) budget authority and outlays. The major increase over fiscal 1987, I repeat, is in the FAA. Lord knows we need it there. I believe this increase is essential if we are going to avoid increasing the number of and the length of air traffic delays.

I urge a no vote on the amendment.

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

Mr. LEHMAN of Florida. I yield to my friend, the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, did I understand correctly if we take this appropriation bill and subtract from it the Federal Aviation Administration, the balance of the appropriation is less than it was in 1987?

Mr. LEHMAN of Florida. The gentleman is correct. To the best of our calculations, if we take out the FAA we are \$100 million under the previous year's level.

Mr. SABO. So the balance of the bill is approximately \$100 million less than last year's, and the increase in the bill comes almost exclusively from an increase in funding for the Federal Aviation Administration, where throughout the day and evening we have heard regularly from members of the authorizing committee that they would have preferred that we would

have been able to do more for the FAA rather than less.

Mr. LEHMAN of Florida. The gentleman is correct.

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

Mr. LEHMAN of Florida. I yield to my friend, the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman yielding. I hope Members have paid attention to the colloquy between my friend from Minnesota [Mr. SABO] and the chairman of the Transportation Appropriations Subcommittee, the gentleman from Florida [Mr. LEHMAN]. What they have just told the membership is a very important fact.

The CHAIRMAN. The time of the gentleman from Florida [Mr. LEHMAN] has expired.

(On request of Mr. AuCOIN and by unanimous consent, Mr. LEHMAN of Florida was allowed to proceed for 1 additional minute.)

Mr. AuCOIN. If the gentleman will continue to yield, what my colleagues were just told is that if it were not for the increase in the funding this year that the committee has written into this bill for the FAA, this bill would be under last year's funding level. I want to make sure that no Member is confused as to what has just been stated. We are not talking about the entire FAA budget. We are talking about the increase. This committee, responding to very real needs identified by the National Transportation Safety Board, has identified in response to that real need for air traffic safety, and the committee has voted an increase for the FAA for air controllers. Were it not for that increase, this bill would be under last year's spending level.

There are times to freeze budgets, there are times to cut budgets, but I want to say to my friends there are times to increase certain functions of Government. If anyone thinks it is not appropriate to increase funding for air safety and air traffic safety, I say they are sadly mistaken.

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

Mr. Chairman, I will not take the 5 minutes. I do want to point out, as the chairman so eloquently has, and especially to my conservatives, I voted for some of these freezes. But this is not a freeze, and an amendment to an amendment is going to follow this that will exempt the FAA.

The increase in funding for the FAA was requested by our administration. If we take that out with the amendment to the amendment that will be offered, then we are talking about cutting 3 percent below last year's level, because this committee, and I am very proudly associated with this committee, this committee, other than FAA, has cut \$100 million below last year's

level on all other spending. It has only increased FAA because it was requested by my administration.

So if we take the 3.2-percent cut that the amendment I believe calls for, then we are cutting, not freezing, but cutting below. This is cutting below last year's level.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. LEHMAN of Florida. Mr. Chairman, the gentleman is correct. At the present time we are talking about an across-the-board cut.

Mr. DELAY. Mr. Chairman, that is correct, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. CHANDLER TO THE
AMENDMENT OFFERED BY MR. PENNY

Mr. CHANDLER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHANDLER to the amendment offered by Mr. PENNY: At the end of the amendment offered by the gentleman from Minnesota [Mr. PENNY], insert the following new subsection:

— Subsection — shall not apply to amounts appropriated or made available for the Federal Aviation Administration.

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

Mr. CHANDLER. I am glad to yield to the gentleman from Florida.

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

Mr. Chairman, I have an amendment at the desk and I ask unanimous consent that it be considered en bloc with the amendment of the gentleman from Washington [Mr. CHANDLER].

The CHAIRMAN. The gentleman cannot add an amendment to another Member's amendment. Only that Member can ask for an amendment en bloc.

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Mr. CHANDLER. Well, Mr. Chairman, in that case I ask unanimous consent that the two amendments, the one by me and the one by the gentleman from Florida [Mr. SHAW], which would exempt the Coast Guard from the across-the-board cuts, be considered.

The CHAIRMAN. Is the gentleman from Washington offering a second amendment?

Mr. CHANDLER. On behalf of the gentleman from Florida [Mr. SHAW], Mr. Chairman, I do that.

The CHAIRMAN. The Clerk will report the second amendment. The gentleman from Washington [Mr. CHANDLER] is offering that amendment. Both of these, the Chair understands, are amendments to the amendment.

PARLIAMENTARY INQUIRY

Mr. LEHMAN of Florida. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEHMAN of Florida. Mr. Chairman, what amendment is now before the House?

The CHAIRMAN. Only one amendment is before the House. The gentleman has asked unanimous consent that a second amendment be considered en bloc.

We are now going to read the second amendment and then consider taking them up en bloc.

Mr. LEHMAN of Florida. The amendment to the amendment is to be considered en bloc?

The CHAIRMAN. That is correct.

Mr. SABO. Reserving the right to object, Mr. Chairman, what is the current unanimous-consent request?

The CHAIRMAN. The unanimous-consent request is that the second amendment be considered en bloc and as part of the amendment to the amendment.

Mr. SABO. Mr. Chairman, if I might inquire, what is that second amendment?

The CHAIRMAN. The Clerk will read the amendment.

Mr. SABO. Mr. Chairman, I am continuing my reservation of objection.

The CHAIRMAN. The Clerk will report the amendment.

AMENDMENT OFFERED BY MR. CHANDLER TO THE
AMENDMENT OFFERED BY MR. PENNY

Mr. CHANDLER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHANDLER to the amendment offered by Mr. PENNY: In the matter proposed to be inserted, insert " , other than amounts for the Coast Guard," after "appropriated by law".

Mr. CHANDLER. Mr. Chairman, I will be very brief.

Due to the objection, what we have before us here is an amendment to the amendment, that instead of freezing across the board, including the FAA, the freeze would exclude the FAA. It would be unaffected by the freeze amendment, if my amendment is adopted.

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

Mr. CHANDLER. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, again I want to ask the question. That, I understand, excludes how much money the \$800 million at the 3.3 percent?

Mr. CHANDLER. That is correct.

Mr. HOYER. I understood it was about a \$100 million cut, through, according to the gentleman from Minnesota.

Mr. CHANDLER. Well, the difference is about \$100 million. This would

result in savings of about \$214 million from the total \$11 billion expenditure.

Mr. HOYER. Am I correct then that the exemption, the \$100 million, would not be saved by cutting more deeply the balance of the programs left in the bill?

Mr. CHANDLER. That is correct. We would still have a 3.3-percent cut from all the other affected programs.

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

Mr. CHANDLER. Mr. Chairman, I just simply want to say that I know the FAA is going to be the most sensitive issue that we face out here today. We did not offer any amendments earlier to cut it for the obvious reason that it is not going to win. This is not going to win, either, if we leave the FAA in, so let us exempt it and then try to achieve at least some savings. If we could not do it with these specific amendments which we have been urged to do on the other appropriation bills, then let us do it like we have done with the other appropriation bills and do it with an across-the-board cut. This would result in a savings of \$214 million, or 3.3 percent of those still affected programs.

Mr. Chairman, I urge Members to vote for my amendment to the amendment and then the amendment, as amended.

Mr. LEHMAN of Florida. Mr. Chairman, I rise to oppose the amendment to the amendment.

Mr. Chairman, I oppose the amendment of the gentleman from Minnesota [Mr. PENNY] and the amendment to the amendment of the gentleman from Washington [Mr. CHANDLER].

By eliminating the FAA, this amendment simply places a 3.3-percent reduction against the rest of the bill, which is already under the 1987 appropriation. So you are cutting the remainder of the bill that is already under the budget. In addition, you would be cutting the Coast Guard, which we do not want to do unless you want to have more and cheaper drugs; you would be cutting Amtrak, which you have already refused to cut; you would be cutting public transit, which we have already voted not to cut; and you would be cutting highways. You would be revisiting the same cuts that we have refused to approve before.

Mr. Chairman, I urge my colleagues to vote against the amendment to the amendment of the gentleman from Minnesota [Mr. PENNY] and that we go on and try to pass a responsible and reasonable bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the amendment to the amendment.

Mr. Chairman, I rise with all due respect to the committee and to the good work that it has done. I appreciate the fact that you have stayed within your 302(b) allocations and

made really some very serious and tough decisions.

The difficulty is that the 302(b) allocations this year are faulty. We said in our budget resolution that we would achieve the \$36 billion in deficit reductions. We promised to the American people a \$36 billion deficit reduction package that would consist one-half of new revenues, that is taxes, and the other half would be spending reductions; but the half that we gave them, that we entitled spending reductions, is in fact only \$7 billion in savings, defense and domestic, and \$7 billion in asset sales.

What those of us who are out here proposing these across-the-board cuts are doing is not criticizing the work of the committee members, which we see to be diligent, to be dedicated and to be rigorous; but we are saying that the 302(b) allocations do not reflect the promise that we, this House, made to the American public, that we would propose a \$36 billion deficit reduction package that would be balanced and equitable, \$18 billion in revenues and \$18 billion in spending cuts.

We are saying as we stand here budget after budget and we are calling upon our colleagues to recognize that meeting that goal, that making good on that promise, is a matter of small sacrifices, a matter of small efforts.

I would remind you that even with the FAA excluded here as we cut across the board, we are looking at budget increases of 14.9 and 10.7 and 7.7 and 5.8 percent, some of them in small agencies like the Architectural and Transportation Barriers Compliance Board. I do not doubt that that Board could use a 5.8-percent increase in spending, but I do say that we cannot afford it in today's world with a \$200 billion deficit.

I also say, Mr. Chairman, that we owe it to the American people to make good on the promise that we have made them of a balanced deficit reduction package that balances revenue increases with spending cuts.

So when we look at this bill, which is a total 7.7-percent increase, we are asking you to modestly reduce that increase, recognizing the crisis that we face in air traffic management and to move forward with increasing spending about \$500 million, rather than \$722 million.

It is a modest amendment. It is an amendment that if we are going to make our overall approach an honest and rigorous one, I urge you to support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. CHANDLER] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. SHAW TO THE
AMENDMENT OFFERED BY MR. PENNY

Mr. SHAW. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAW to the amendment offered by Mr. PENNY: In the matter proposed to be inserted, insert "other than amounts for the Coast Guard," after "appropriated by law".

Mr. SHAW. Mr. Chairman, my amendment to the Penny amendment is very simple. It exempts the Coast Guard from any across-the-board cuts in its programs. If I understand correctly, the Penny amendment does not include cuts in entitlement programs or those that are required to be funded by law.

However, all of the programs under the Coast Guard are considered under new budget authority and, therefore, would be subject to the cuts. The total appropriations for the Coast Guard for fiscal year 1988 is \$2.7 billion. A 3.3 percent cut would be a cut approximately \$89 million.

Mr. Chairman, we have heard from several of our colleagues today about the importance of the Coast Guard's functions and a \$89 million cut would certainly be substantial.

By reducing Coast Guard's funding, we would be hampering their ability to maintain a high degree of effectiveness in its most important missions of search and rescue, marine safety and law enforcement. Those of you who represent coastal areas, recognize the importance of the Coast Guards' search and rescue missions for the safety of recreational and commercial boaters. But in my south Florida district, I also realize how vitally important the Coast Guard is to our Nation's "war on drugs."

One of the Coast Guard's principal law enforcement activities is the tactical interdiction of drugs at our Nation's borders. Under the Anti-Drug Abuse Act of 1986, which most of you tonight voted for, the Coast Guard was given many additional responsibilities in the coordination of an intensified program for drug interdiction and enforcement. In 1986 alone, the Coast Guard seized 1.5 million pounds of marijuana and 10,000 pounds of cocaine. Unfortunately, statistics show that despite these large seizures, more drugs than ever are being smuggled across our borders because of increased trafficking in south Florida and other coastal areas of our Nation.

The Coast Guard has been working tirelessly with the other Federal agencies involved in drug interdiction to improve and coordinate our continuing "war on drugs." By passing the Omnibus Drug Act of 1986, we reaffirmed our continuing commitment to this war—we will not be successful if we do not support those, like the Coast Guard, who are on the battlefield every day.

I would like to urge my colleagues to support the Shaw amendment to the Penny amendment to exempt the Coast Guard from this across-the-board cut to DOT programs.

This is a vital program to our success. It has been operating on a shoestring for years. We cannot afford to cut this vital program. The Coast Guard funding must be maintained at its present level.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the saying goes, "All God's children got shoes."

Well, to me all the agencies in our appropriation bill need shoes. I do not think that we should exempt any one agency, because I think that the money that goes to the Coast Guard is very important. The money that goes to the FAA is just as important. The money that goes to transit to carry handicapped people is just as important. The money that goes to Amtrak is just as important. Even the money that goes to the Secretary's office is important.

Therefore, in my opinion, the amendment of the gentleman from Minnesota is bad medicine, but if it is going to be bad medicine, let all the children take a dose of the bad medicine in an equal way.

Mr. Chairman, I oppose the amendment to the amendment by the gentleman from Florida [Mr. SHAW].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SHAW] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and on a division (demanded by Mr. SHAW) there were—ayes 20, noes 50.

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

A recorded vote was refused.

So the amendment to the amendment was rejected.

□ 2020

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

The amendment that was just defeated is one that a lot of Members have mixed emotions on, but again the offerer of the amendment fails to recognize the hard choices that are facing this House.

The problem is that we are spending money we do not have for all purposes. The gentleman that just offered the amendment to exempt the Coast Guard, I would venture to say, voted against the House-Senate conference budget, because it had taxes in it.

If we are going to have amendments that are going to increase spending or exempt spending, there used to be a term in the House called "pay as you go."

It had a lot of support on my side of the aisle. I am hoping, and I expect it will come back very, very soon, because CBO just reestimated our budget; and our deficit is worse than it was when Penny-Tauke started trying to make this year's budget honest.

We are now worse off, not better off. If we are going to spend more for any purpose, we either are going to have taxes raised to pay for it, have spending cuts, so we do not have to spend it or borrow it.

The rhetoric is getting pretty high on both sides of the aisle on both sides of the question, but next week we are going to have to increase our debt ceiling one more time.

I like what I hear coming from both sides of the aisle, that we are now going to make Gramm-Rudman-Hollings real again, no cheap imitation, but make it real.

The only real cut I have observed since Gramm-Rudman-Hollings started out a year ago is Hollings. That is the only real cut that I really observed the House doing.

Now, the bottom line is, if we cannot cut 3.3 percent out of the Coast Guard, out of the FAA with an \$800 million increase, how many times have we said we cannot throw money at a problem and solve it, depending on the issue, whether it is defense or social problems?

How many times have we said we cannot throw money, but yet here we are throwing money, because we have a problem. Do we really believe the FAA can efficiently spend \$800 million more in 1 year; and that is going to cause a pilot that punched the wrong buttons flying across the Atlantic Ocean that got 60 miles off course, that \$800 million will correct that? If so, then worry about cutting FAA's \$800 million increase by 3.3 percent.

This is a very simple amendment that we have to vote on now. It is whether or not we cut 3.3 percent out of every program, including those in the wisdom of the committee which we take no quarrel with, should have had increases and just trying to do as we did on Energy and Water, just say that everybody's program takes a little bit of a cut in order that we can begin to make some of the necessary steps toward bringing fiscal responsibility back to our country.

That is the issue. Vote yes on this amendment. Tell everyone in this appropriation bill on the transportation side, do a better job with 3.3 percent less.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

We have gone through a process here now where we have said that we are not going to cut the FAA, because we believe in aviation safety, and we need the money for aviation safety.

We have gone through the process of saying we are not going to cut the Coast Guard. In fact, we need more money for the Coast Guard, because we are not going to cut down on drug interdiction, marine safety.

Then we have taken practically every other major item in this bill, and we have said that those were at last year's level or below, and we are not going to take them and cut them even further.

We are now down to having reviewed everything individually and said, we are about where we want to be, and now we are going to say we are going to take the old meat ax to everything.

I beg the Members not to do that. We considered this carefully as a body. We considered this carefully in subcommittee, and then this full House has acted on each and every item going down the line.

We have said that this is where we want to be. Let us hold the bill where it is, because it is where this House has indicated its will that it wanted to be.

I urge a vote against the amendment.

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

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

I suspect to the Americans viewing these proceedings on their television sets across the Nation, it may seem strange that we are struggling so hard over a 3-percent cut in a proposed spending increase. It is not strange to me.

The programs that we are talking about here are important to me, and I know they are important to just about every Member who is gathered in this Chamber.

In my own State of Delaware, a major employer in my State is Amtrak. One thousand people work for Amtrak in my State.

In my State, for every 1 person who flies by commercial aviation, dozens travel by Amtrak. Under this amendment, we are going to take one of my favorite programs and reduce the increase in that favored program from 3.8 percent to almost zero. I do not like doing that. It is not easy.

Another favorite program of mine in this bill is the Coast Guard. I have spent over 18 years in the Navy, and I have a real affinity for the Coast Guard.

I serve on the Subcommittee on Coast Guard and Navigation. I have a great respect for the Coast Guard and the work that they do with modest resources, in search and rescue, in enforcing fishing regulations and in providing drug interdiction.

We are proposing in this amendment to trim back the very modest increase in this bill for the Coast Guard, and I do not like that either.

Finally, with regard to the FAA, I have a wife who travels almost every week by commercial aviation, much as many of the Members travel throughout this country.

I am a naval flight officer. I have flown almost 3,500 hours in Navy aircraft. I am still in the reserves. I flew just last Friday.

I did not want that flight to be my last any more than any of you want your next flight to be your last.

I am not about to support an amendment that cuts spending for the FAA. I am not about to support an amendment that freezes spending for the FAA. I am not about to support an amendment that even provides just a small increase for the FAA. Look closely at what the Penny amendment does. It provides for an 18-percent increase for the FAA next year, 18 percent. It provides for a \$700 million increase in the FAA next year, \$700 million.

Let me just conclude by saying I know this is not an easy vote for me. When the Members pull out the voting cards, it will be a difficult vote for many of them, as well.

A tougher vote, however, is going to be the vote we have this week or next when we vote on raising the debt ceiling. And, the toughest vote is going to be the one we have in 2 months when we have the opportunity to vote on taxes. If we do not like voting to trim back by this 3 percent, half of the increase in this bill, we will like even less voting on 19 billion dollars' worth of taxes, 19 billion dollars' worth of taxes.

I will not like it, and the Members will not like it. To the extent that we support the Penny-Johnson amendment, we make those upcoming tough votes a great deal easier.

□ 2030

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 189, noes 198, not voting 46, as follows:

[Roll No. 262]

AYES—189

Andrews	Bliley	Clarke
Archer	Boulter	Clinger
Army	Broomfield	Coats
Badham	Brown (CO)	Coble
Baker	Buechner	Coleman (MO)
Ballenger	Bunning	Combest
Barnard	Burton	Courter
Bartlett	Byron	Craig
Barton	Callahan	Crane
Bates	Carper	Daniel
Bentley	Chandler	Dannemeyer
Bilirakis	Chapman	Darden

Daub	Jones (TN)	Robinson
Davis (IL)	Jontz	Roth
Derrick	Kasich	Roukema
DeWine	Kolbe	Rowland (CT)
Dickinson	Konnyu	Rowland (GA)
Donnelly	Kyl	Saiki
Dorgan (ND)	Lagomarsino	Saxton
Dornan (CA)	Latta	Schaefer
Dowdy	Leach (IA)	Schneider
Dreier	Leath (TX)	Schuette
Dyson	Lent	Schulze
Eckart	Lewis (FL)	Sensenbrenner
Emerson	Lightfoot	Sharp
English	Lipinski	Shaw
Fawell	Lott	Shumway
Fields	Lowry (WA)	Shuster
Fish	Lujan	Skelton
Filippo	Lukens, Donald	Slattery
Frenzel	Lungren	Smith (TX)
Galleghy	Mack	Smith, Denny
Gallo	MacKay	(OR)
Gekas	Marlenee	Smith, Robert
Gingrich	Martin (IL)	(NH)
Goodling	Martin (NY)	Smith, Robert
Gradison	McCollum	(OR)
Grandy	McCurdy	Snowe
Gregg	McGrath	Solomon
Hall (OH)	McMillan (NC)	Spence
Hall (TX)	Meyers	Spratt
Hamilton	Miller (WA)	Stallings
Hansen	Montgomery	Stenholm
Harris	Moody	Stump
Hastert	Moorhead	Sundquist
Hatcher	Morrison (WA)	Sweeney
Hefley	Murphy	Swindall
Henry	Neal	Tallon
Hergert	Nielson	Tauke
Hiler	Olin	Taylor
Hochbrueckner	Oxley	Thomas (CA)
Holloway	Packard	Thomas (GA)
Hopkins	Pashayan	Upton
Houghton	Patterson	Valentine
Hubbard	Penny	Vander Jagt
Huckaby	Petri	Volkmer
Hunter	Pickett	Vucanovich
Hyde	Porter	Walker
Inhofe	Pursell	Weber
Ireland	Ravenel	Weldon
Jacobs	Rhodes	Whittaker
Jeffords	Ridge	Wortley
Jenkins	Ritter	Yatron
Johnson (CT)	Roberts	Young (FL)

NOES—198

Akaka	Dicks	Jones (NC)
Alexander	Dingell	Kanjorski
Anderson	Dixon	Kaptur
Anthony	Downey	Kastenmeier
Applegate	Duncan	Kennedy
Atkins	Durbin	Kennelly
AuCoin	Dwyer	Kildee
Bateman	Dymally	Klecza
Bellenson	Early	Kolter
Bennett	Edwards (CA)	Kostmayer
Bereuter	Erdreich	LaFalce
Berman	Espy	Lancaster
Bevill	Evans	Lantos
Biaggi	Fascell	Lehman (CA)
Bilbray	Fazio	Lehman (FL)
Boehert	Feighan	Leland
Boggs	Florio	Levin (MI)
Boland	Foley	Levine (CA)
Bonior (MI)	Ford (MI)	Lewis (CA)
Borski	Frank	Lewis (GA)
Boucher	Gaydos	Lowery (CA)
Brennan	Gejdenson	Luken, Thomas
Brooks	Gibbons	Manton
Bruce	Gilman	Markey
Bustamante	Glickman	Martinez
Campbell	Gonzalez	Matsui
Cardin	Gordon	Mavroules
Carr	Grant	Mazzoli
Chappell	Gray (IL)	McCloskey
Coelho	Green	McDade
Coleman (TX)	Guarini	McHugh
Collins	Hammerschmidt	McMillen (MD)
Conte	Hawkins	Mfume
Coughlin	Hayes (IL)	Mica
Coyne	Hayes (LA)	Miller (CA)
Crockett	Hefner	Mineta
Davis (MI)	Hertel	Moakley
de la Garza	Horton	Molinaro
DeFazio	Hughes	Mollohan
DeLay	Hutto	Morella
Dellums	Johnson (SD)	Morrison (CT)

Mrazek	Regula	Stokes
Murtha	Richardson	Stratton
Myers	Rinaldo	Studds
Nagle	Rodino	Swift
Natcher	Rogers	Synar
Nelson	Roybal	Torres
Nichols	Sabo	Torricelli
Nowak	Savage	Traficant
Oakar	Sawyer	Traxler
Oberstar	Schroeder	Udall
Obey	Sikorski	Vento
Ortiz	Sisisky	Visclosky
Owens (UT)	Skaggs	Walgren
Panetta	Skeen	Watkins
Parris	Slaughter (NY)	Waxman
Pease	Slaughter (VA)	Weiss
Pelosi	Smith (FL)	Wheat
Pepper	Smith (IA)	Whitten
Perkins	Smith (NE)	Williams
Pickle	Smith (NJ)	Wise
Price (IL)	Solarz	Wolf
Price (NC)	St Germain	Wolpe
Quillen	Staggers	Wyden
Rahall	Stangeland	Yates
Rangel	Stark	Young (AK)

NOT VOTING—46

Ackerman	Foglietta	Miller (OH)
Annunzio	Ford (TN)	Owens (NY)
Aspin	Frost	Ray
Boner (TN)	Garcia	Roe
Bonker	Gephardt	Roemer
Bosco	Gray (PA)	Rose
Boxer	Gunderson	Rostenkowski
Brown (CA)	Howard	Russo
Bryant	Hoyer	Scheuer
Cheney	Kemp	Schumer
Clay	Livingston	Tauzin
Conyers	Lloyd	Towns
Cooper	Madigan	Wilson
DiGuardi	McCandless	Wylie
Edwards (OK)	McEwen	
Flake	Michel	

□ 2045

The Clerk announced the following pairs:

On this vote:

Mr. Cheney for, with Mr. Howard against.
Mr. Gunderson for, with Mr. Towns against.

Mr. MARKEY and Mr. LANCAS-
TER changed their votes from "aye"
to "no."

So the amendment was rejected.

The result of the vote was an-
nounced as above recorded.

The CHAIRMAN. The Clerk will
read.

The Clerk read as follows:

This Act may be cited as the "Department
of Transportation and Related Agencies Ap-
propriations Act, 1988".

AMENDMENT OFFERED BY MRS. JOHNSON OF
CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr.
Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. JOHNSON of
Connecticut: Page 51, after line 16, insert
the following new section:

SEC. . All amounts appropriated or oth-
erwise made available by this Act not re-
quired to be appropriated or made available
by law, shall be reduced by 2 percent.

Mrs. JOHNSON of Connecticut. Mr.
Chairman, this is a very simple amend-
ment. This is an across-the-board
amendment cutting this bill by 2 per-
cent.

We will not go through what we did
on the last amendment, trying to
exempt any agency. This is a flat 2-
percent cut across the board, as op-

posed to the last amendment that was
a 3.3-percent cut.

We have in many instances proven
ourselves equal to reducing the rate of
growth in spending by 2 percent. It is
much needed.

As we heard our colleague, the gen-
tleman from Texas [Mr. STENHOLM],
say earlier, we are spending money
that we do not have for programs that
we cannot afford.

The deficit is higher now than it was
2 months ago when we began to con-
sider appropriation bills. If we do not
want Gramm-Rudman and its quick
fix to go into effect, we should act
now.

I understand that the hour is late,
but some of us have been sitting on
the floor for 4, 5, or 6 hours simply
waiting to have the opportunity to
propose these amendments because we
feel it is so extremely important that
we evidence the discipline to reduce
the rate of growth in spending in our
budget in order to make a reality of
the \$36 billion in deficit reductions
that the Members of this body com-
mitted themselves to some months
ago. If we do not take the actions that
are necessary to achieve that goal, it
will not just happen, and the deficit
will continue to increase as it has even
over the last 2 months.

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

Mrs. JOHNSON of Connecticut. I
yield to the gentleman from Pennsyl-
vania.

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

Mr. Chairman, I support the gen-
tlewoman's amendment 100 percent and
wish to add to this that the President
of the United States just last week or-
dered every agency to try to do exactly
what she wants us to do here in this
basic way; namely, to cut across the
board. So what we are doing is being
consistent with what the President
would like to do so we can avoid other
troubles down the line.

Mrs. JOHNSON of Connecticut. Mr.
Chairman, I thank the gentleman
from Pennsylvania [Mr. GEKAS] for
his comments.

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

Mrs. JOHNSON of Connecticut. I
yield to the gentleman from Minneso-
ta.

Mr. PENNY. Mr. Chairman, the
amendment just considered would
have cut the rate of growth in this bill
in half. Instead of a roughly 7-percent
increase, we would have allowed about
a 3½-percent increase by cutting 3.3
percent across the board. That amend-
ment came within 8 or 9 votes of being
adopted. It would have, if adopted,
achieved a saving of \$60 million.

The amendment offered by the gen-
tlewoman from Connecticut [Mrs.
JOHNSON] would simply say, if we

cannot do that, at the very least, let us adopt a 2-percent, across-the-board amendment and save somewhere in the neighborhood of \$250 million.

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

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

Mr. Chairman, it is said that "there ain't no free lunch." Let us not talk about dollars for a minute. Let us talk about people.

If we pass this amendment, we will lose about 500 people from FAA, and I ask rhetorically, where are these 500 people going to come from? Are they going to come out of the control towers? Are they going to come out of the inspectors? Are they going to come out of the maintenance people? Wherever they come from, it's going to hurt, and we will be sitting on those runways and those taxiways longer and longer hours.

This is a responsible bill that we have brought to the floor. I hope that we can defeat this amendment. I hope that we do not have to defeat this amendment and then vote on a 1-percent cut.

Mr. Chairman, I say again that this is a responsible bill. I hope this amendment is defeated, not only for the FAA, but for the Coast Guard and for the other items in the bill. Let us think of people as well as dollars.

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

Mr. Chairman, the hour is late, and I know the Members want to get home, but I do not believe the Members know some of the things that this amendment would do.

Our distinguished subcommittee chairman has pointed out some of the things with the FAA, but let me point out that the Coast Guard is going to be decimated if we delete any more money from it. It is already \$300 million below last year's appropriations, and, yes, it is below what the President has recommended. They have already combined some Coast Guard districts to try to get some people out into the operation from administration.

The Coast Guard is really suffering because we have mandated drug interdiction, and I do not think we want to go home and tell people that we voted against the Coast Guard's trying to do a job to interdict drugs.

In addition to that, there is funding here for harbor safety and terrorist activities and coastal defense that we have mandated for the Coast Guard. The gentleman mentioned that this would save part of the growth of this bill, but let me tell the Members that the U.S. Coast Guard has had no real growth in 5 years.

So, Mr. Chairman, I urge the Members to vote no on this amendment and not decimate the Coast Guard.

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

Mr. Chairman, the House is being treated to a rather unusual Monday night session, which reminds us of the management style of the two previous Speakers based largely on whimsy and not on the amount of business to be done nor on the amount of business actually completed.

Mr. Chairman, in addition to working under procedures about which the House was not notified for a rather unusual session tonight, we are also witnessing the even more depressing spectacle of the House rejecting any and all amendments. This most perfect bill seems to defy any change whatsoever.

And we are seeing Members not only unwilling to meet the budget that they themselves voted for but, in rejecting all these amendments, telling the world that they cannot wait to vote for new taxes on the American people because all this spending is so essential. To meet our budget we will then have not only the taxes that are in the budget, but a little bit more, as well.

Mr. PENNY. Mr. Chairman, will the gentleman yield on that point?

Mr. FRENZEL. I yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, I think this point is crucial to the debate on these reduction amendments. There is some doubt around here whether a tax bill can be passed. There is also some concern that if it is passed, it may be vetoed. That makes it all the more important that we find what we can throughout this appropriation process to cut back, because it may be that the only deficit reduction we achieve this year is those cuts we now make in spending levels.

If I might take the liberty to also respond to the comments previously made about the Coast Guard, in a DSG report which all of us have received it states that the Coast Guard appropriation level for fiscal year 1987 was \$2,542,000,000, and for fiscal year 1988, by this Committee report, it would be \$2,583,000,000. That is a \$40 million increase. It has not been cut.

□ 2100

Mr. FRENZEL. I thank the gentleman for his observation and would observe that all spending in here has been described as essential, but it still amounts to 7 percent more than we spent last year.

If we cannot approve this little love tap, having defeated all of the other attempts to reduce spending in this bill, this House of Representatives, as far as I am concerned, will have again proved itself unwilling to make spend-

ing sacrifices. It is only willing to make tax sacrifices for all its constituents.

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

Mr. FRENZEL. I yield to my distinguished friend, the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate my friend yielding. The gentleman has indicated with some degree of ridicule and sarcasm I think in his voice that this was somehow a perfect bill and could not be touched.

Mr. FRENZEL. With as much as I could muster, I will tell the gentleman.

Mr. AuCOIN. I would ask the gentleman how many times or when was the last time that the gentleman's committee, the Ways and Means Committee, came to the floor with an open rule allowing Members to amend his committee's handicraft?

Mr. FRENZEL. If the gentleman would like to raise taxes, I will be delighted to allow him to do so.

Mr. Chairman, I would conclude by saying that if this procedure is indicative of what the House is going to do for the future, I for one will be interested in providing many amendments so that we can fully debate these bills. That is the very least that is required on the very difficult attempt to try to come up with a responsible budget.

But if this House cannot even vote for a 2 percent cut, than I say to all my colleagues that we have flown the white flag and are unworthy of the jobs that our constituents entrusted to us.

I yield back the balance of my time.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as I understand it, this is a 2 percent across-the-board cut. From the perspective of the Federal Aviation Administration's baillwick, this amounts to above a \$90 million cut in terms of operations, facilities and equipment and research and development. When it comes to operations, my colleagues have to realize that since 1981, the 3d of August, when we had the PATCO strike, we have had a 21-percent increase in traffic, and yet at that time we had 16,850 air traffic controllers and today we have roughly about 15,800.

In 1981, we had 82 percent of the air traffic controllers who were full performance level air traffic controllers. Today 64 percent are full performance level air traffic controllers. So if we cut, operations is going to be affected.

Another part that will be affected is that referred to as Facilities and Equipment. On the 3d of June at the Seattle Air Traffic Control Center we just dedicated the brandnew host computer and radar system that will give us productivity increases so that we

will be able to handle the air traffic much more efficiently and much more safely than we are under the present system. It is said that the FAA is the largest purchaser of vacuum tubes in the United States. I believe that, and what we are trying to do is to modernize that equipment, and we will be doing it through the NAS, the National Airway System Plan.

The other part of it that is a major increment is that dealing with research and development. One of the major things we are doing under research and development right now is development of the doppler radar technique or technology. This is for adverse weather detection; namely, for wind shear. There are two kinds of weather radar systems that are being developed, the NEXRAD, the next generation radar, as well as the terminal doppler radar and again these are two critical needs that we are facing. I would hope that the Members will not vote for this cut because we cannot afford to have this kind of a \$90 million cut, and at the same time have a \$5.7 billion unobligated surplus in the aviation trust fund.

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

Mr. MINETA. I am pleased to yield to my colleague and friend, the gentleman from Iowa.

Mr. TAUKE. Mr. Chairman, I thank the gentleman for his points. The gentleman made excellent points and certainly indicated that money is being spent for a good cause.

The gentleman continually refers to this as a cut. Is it not true that even with the Johnson amendment the FAA would have over a 19-percent increase over last year? That is, if the amendment is approved, those of us voting for the amendment are not voting for a cut in the FAA spending from last year's level or current level, we will be voting for a 19-percent increase in FAA spending?

Mr. MINETA. Not only is there that need in terms of the FAA's increases because of the air traffic control and the fact that the present NAS program, the National Airway Systems Plan is approximately 2 years behind and about \$1.6 billion behind in terms of the moneys where we ought to be in terms of the acquisition of the equipment, but I think all of us have also seen the report of the National Transportation Safety Board in terms of the capacity of the airway system. I hope the House will turn down this amendment, and I yield back the balance of my time.

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

Mr. Chairman, I want to make one point. With the Johnson amendment, this appropriation bill will have a 5.2-percent increase in funding. The gen-

tlewoman from Connecticut reduces from a 7.2-percent increase to a 5.2-percent increase.

The time is now where we must make the decisions to cut. I say vote, vote now, and vote yes.

I yield back the balance of my time.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, let me just say very briefly there are two big ticket items in this bill. The first is the Coast Guard, in which we have appropriated less than asked for by the President, and this amendment will cut that even further.

The second big ticket item is in the FAA for aviation safety, where we have appropriated less than requested by the President substantially, and this would cut that further.

So on the two big ticket items in this bill we will be going below the President's budget request very substantially.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mrs. JOHNSON].

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

RECORDED VOTE

Mrs. JOHNSON of Connecticut. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 166, not voting 49 as follows:

[Roll No. 263]

AYES—218

Andrews	Daub	Henry
Archer	Davis (IL)	Herger
Army	Derrick	Hiler
Badham	DeWine	Hochbrueckner
Baker	Dickinson	Holloway
Ballenger	Donnelly	Hopkins
Barnard	Dorgan (ND)	Horton
Bartlett	Dornan (CA)	Houghton
Barton	Dreier	Hubbard
Bates	Duncan	Huckaby
Bentley	Dyson	Hunter
Bereuter	Eckart	Hyde
Bilbray	Emerson	Inhofe
Billrakis	English	Ireland
Billey	Erdreich	Jacobs
Boehlert	Fawell	Jeffords
Boulter	Feighan	Jenkins
Broomfield	Fields	Johnson (CT)
Brown (CO)	Fish	Jones (TN)
Bunning	Flippo	Jontz
Burton	Frenzel	Kaptur
Byron	Galleghy	Kasich
Callahan	Gallo	Kennelly
Campbell	Gaydos	Kolbe
Carper	Gekas	Kolter
Chandler	Gingrich	Konnyu
Chapman	Goodling	Kyl
Clarke	Gordon	Lagomarsino
Clinger	Gradison	Lantos
Coats	Grandy	Latta
Coble	Hall (OH)	Leach (IA)
Coleman (MO)	Hall (TX)	Leath (TX)
Combest	Hamilton	Lent
Courter	Hammerschmidt	Lewis (CA)
Craig	Hansen	Lewis (FL)
Crane	Harris	Lightfoot
Daniel	Hastert	Lipinski
Dannemeyer	Hatcher	Lott
Darden	Hefley	Lowery (CA)

Lowry (WA)	Ravenel	Smith, Robert (NH)
Lujan	Regula	Smith, Robert (OR)
Lukens, Donald	Rhodes	Snowe
Lungren	Ridge	Solomon
Mack	Roberts	Spence
MacKay	Robinson	Spratt
Marlenee	Rogers	Stallings
Martin (IL)	Rose	Stangeland
Martin (NY)	Roth	Stenholm
McCollum	Roukema	Stratton
McCurdy	Rowland (CT)	Stump
McGrath	Rowland (GA)	Sundquist
McMillan (NC)	Russo	Sweeney
Meyers	Saiki	Swindall
Mica	Sawyer	Tallon
Miller (WA)	Saxton	Tauke
Montgomery	Schaefer	Taylor
Moody	Schneider	Thomas (CA)
Moorhead	Schroeder	Thomas (GA)
Morrison (WA)	Schuette	Upton
Murphy	Schulze	Valentine
Neal	Sensenbrenner	Vander Jagt
Nichols	Shaw	Volkmer
Nielson	Shumway	Vucanovich
Olin	Shuster	Walgren
Oxley	Sisisky	Walker
Packard	Skaggs	Weber
Panetta	Skeen	Weldon
Pashayan	Skelton	Whittaker
Patterson	Slatery	Wortley
Penny	Smith (NE)	Yatron
Petri	Smith (NJ)	Young (FL)
Pickett	Smith (TX)	
Porter	Smith, Denny (OR)	
Pursell		

NOES—166

Akaka	Gilman	Oakar
Alexander	Glickman	Oberstar
Anderson	Gonzalez	Obey
Anthony	Grant	Ortiz
Applegate	Gray (IL)	Owens (UT)
Atkins	Green	Parris
AuCoin	Guarini	Pease
Bateman	Hayes (IL)	Pelosi
Beilenson	Hayes (LA)	Pepper
Bennett	Hefner	Perkins
Berman	Hertel	Pickle
Bevill	Hoyer	Price (IL)
Biaggi	Hughes	Price (NC)
Boggs	Hutto	Quillen
Boland	Johnson (SD)	Rahall
Bonior (MI)	Jones (NC)	Rangel
Borski	Kanjorski	Richardson
Boucher	Kastenmeier	Rinaldo
Brennan	Kennedy	Ritter
Brooks	Kildee	Rodino
Bruce	Kleczka	Roybal
Bustamante	Kostmayer	Sabo
Cardin	LaFalce	Savage
Carr	Lancaster	Sikorski
Chappell	Lehman (CA)	Slaughter (NY)
Coelho	Lehman (FL)	Slaughter (VA)
Coleman (TX)	Leland	Smith (FL)
Collins	Levin (MI)	Smith (IA)
Conte	Levine (CA)	Solarz
Coughlin	Lewis (GA)	St Germain
Coyne	Luken, Thomas	Staggers
Davis (MI)	Manton	Stark
de la Garza	Markey	Stokes
DeFazio	Martinez	Studds
DeLay	Matsui	Swift
Dellums	Mavroules	Synar
Dicks	Mazzoli	Torres
Dingell	McCloskey	Torricelli
Dixon	McDade	Trafficant
Dowdy	McHugh	Traxler
Downey	McMillen (MD)	Udall
Durbin	Mfume	Visclosky
Dwyer	Miller (CA)	Watkins
Dymally	Mineta	Waxman
Early	Moakley	Weiss
Edwards (CA)	Molinari	Wheat
Espy	Mollohan	Whitten
Evans	Morella	Williams
Fascell	Morrison (CT)	Wise
Fazio	Mrazek	Wolf
Florio	Murtha	Wolpe
Foley	Myers	Wyden
Ford (MI)	Nagle	Yates
Frank	Natcher	Young (AK)
Gejdenson	Nelson	
Gibbons	Nowak	

NOT VOTING—49

Ackerman	Flake	Michel
Annunzio	Foglietta	Miller (OH)
Aspin	Ford (TN)	Owens (NY)
Boner (TN)	Frost	Ray
Bonker	Garcia	Roe
Bosco	Gephardt	Roemer
Boxer	Gray (PA)	Rostenkowski
Brown (CA)	Gregg	Scheuer
Bryant	Gunderson	Schumer
Buechner	Hawkins	Sharp
Cheney	Howard	Tauzin
Clay	Kemp	Towns
Conyers	Livingston	Vento
Cooper	Lloyd	Wilson
Crockett	Madigan	Wyllie
DioGuardi	McCandless	
Edwards (OK)	McEwen	

□ 2115

The Clerk announced the following pairs:

On this vote:

Mr. Cheney for, with Mr. Howard against.
Mr. Gunderson for, with Mr. Towns against.

Mr. BOULTER and Mr. LOWERY of California changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DURBIN

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

The Clerk read as follows:

Amendment offered by Mr. DURBIN:

SEC. 2. At the end of the bill, add the following new section:

"SEC. . (a) None of the funds appropriated by this Act to the Secretary of Transportation for airport development under the Airport and Airway Improvement Act of 1982 may be made available for airport development or airport planning at any airport which after the ninetieth day following the date of the enactment of this Act permits any air carrier to provide scheduled air transportation between such airport and any other airport with an aircraft (1) which in providing such transportation is scheduled to be in the air two hours or less, and (2) on which smoking will be permitted while such aircraft is being used to provide such transportation.

"(b) As used in this section—

"(1) the terms 'air carrier' and 'airport' have the meaning such terms have under section 101 of the Federal Aviation Act of 1958; and

"(2) the term 'air transportation' means intrastate air transportation, interstate air transportation, overseas air transportation, and foreign air transportation, as such terms as defined under such section."

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

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

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 221, the gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes and a Member opposed to the amendment will be recognized for 30 minutes.

Mr. COUGHLIN. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, first let me say I regret that an issue of this complexity and controversy should come at this late an hour. Many of us interested in this amendment have waited all day. I hope that we can telescope the debate on this issue to a much shorter time period than that specified by the rule for 30 minutes on each side, but there are an abundant number of our colleagues who have asked for the opportunity to speak on this issue.

I will try to be very brief at the outset to summarize what I consider the important aspects of this amendment and the important arguments in favor of the amendment.

Let me say at the outset that the net effect of the Durbin-Young amendment will be to require air carriers across this Nation to ban smoking on air flights of 2 hours or less if they wish to use the facilities of the airports of the United States.

The enforcement mechanism which we have used many times, for instance in the enforcement of speed limits on interstate highways, as well as the drinking age, minimum drinking age in the States across the Nation, says to the airports that if the air carriers using your airport do not have such a smoking regulation in force on their airplanes, your airport does not qualify for Federal funding.

This is universal. It would provide no competitive advantage to any single airline. In fact, every airline across the country would be affected similarly.

Airports are required to treat all carriers the same and in this instance I think we will find uniformity.

Now, what is the reason for it? All of us as the consuming public on airlines know that there are regulations in place which limit the smoking on airlines, but we have found since those regulations were promulgated in 1984, there have been significant breakthroughs and determinations in science that we need not be concerned just with the person smoking, but with something known as passive smoke, environmental tobacco smoke, side stream smoking.

In effect, we are looking to the effect of smoke on the person who is not smoking, the one who is sitting next to the person smoking. What we found as a result of a report by the National Academy of Sciences in 1986 was clear and unequivocal. It spoke to the American people and Members of Congress and said that there is definitely a health hazard involved to the nonsmoker who must sit in the company of someone smoking.

In addition, the National Academy of Sciences came to the conclusion that they would prohibit the use of smoking on all airlines across the country because of this passive smoking hazard. That same year the Surgeon General of the United States reached the same conclusion, passive smoking creates a health hazard.

The American Cancer Society has gone on to say that a nonsmoker exposed to smoking is going to increase the likelihood of that nonsmoker contracting lung cancer or respiratory disease by 13 to 31 percent.

□ 2130

Let me tell the Members that we have had in our gallery today, and visiting us, many people interested in this issue, but one of the groups particularly interested and represented this evening are the flight attendants.

Think for a minute, those of us who choose the nonsmoking area are somewhat directly removed from the smokers. The flight attendants as a condition of employment must serve everyone on the plane.

One of the flight attendants this afternoon told me that a friend of hers with an asthmatic condition was forced to leave her job because of the exposure to smoke on an airplane. It is not uncommon to find bronchitis and sinus problems among the personnel that serve us on these airplanes.

Their work environment is a hazardous environment because of the health hazards which I have described. The ventilation on today's airplanes was not designed to take care of smoking.

I ride a DC-9 from time to time from Chicago to Washington, a plane which was built 22 years ago, before any regulation was in place in terms of smoking on this aircraft.

We have found as a result of scientific study that there is no way to adequately clear the air in the confined environment of the aircraft cabin, and as a result, we are subjecting everyone in an aircraft, not only the smokers, but everyone, the flight attendants and the nonsmokers, to the possibility of endangering their health.

In addition to those supporting the amendment, Dr. Otis Bowen, the Cabinet Secretary of the Department of Health and Human Services, in a conversation 2 weeks ago, advised me that he supported this approach. He felt that a prohibition was in order.

What it tells everyone is that every scientific agency which we rely upon for health information has told us unequivocally that we should put an end to smoking on aircraft. There is a safety concern beyond a health concern, a fire hazard that is obvious. We can recall in 1983 the Air Canada episode where 23 people lost their lives, and a decision by that airline to sus-

pend smoking on all flights between New York and Canada.

The Members can contact, if they like, flight attendants who can go on and tell them many of the stories, fires put out in lavatories by people who carelessly use cigarettes; and that is where we have smoke detectors today.

Many people ask why the Federal Government or the U.S. Congress should be attempting to regulate this. The first chart I presented demonstrates it graphically. We spend literally billions of dollars each year as a government through our Environmental Protection Agency to clear the air of pollutants which might harm the health of American citizens.

The report of the Surgeon General suggests that environmental tobacco smoke causes more problems of lung cancer and death each year than all of the environmental hazards from air pollution.

If we are genuinely concerned about the effect on the health of American citizens from this type of health hazard, we have to move forward.

If I could move to the next chart here, I also want to demonstrate to the Members that this proposal this evening is not just my creation. Two-thirds of the general public support a ban of smoking on airplanes. Eighty percent of the physicians have recommended against smoking on airlines, and the Members might be surprised to learn that 40 percent of the smokers have suggested that they could live without smoking on airplanes.

Many people raise the questions about the rights of smokers. I would like to conclude my opening statement by saying that the rights of smokers to smoke and where their smoking affects the health, the well-being, and the safety of others.

It is a smoker's responsibility to ensure that they do not expose non-smokers to potential harmful effects of tobacco smoke.

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

Mr. COUGHLIN. Mr. Chairman, for the purpose of debate only, I yield 1 minute to the distinguished chairman of the subcommittee, the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in reluctant opposition to the amendment. I support strongly the gentleman's goal of eliminating smoking on airplanes, but both the subcommittee and the full Committee on Appropriations have voted approximately 2 to 1 against this way of accomplishing this goal.

The authorizing legislation is to come before this House this summer, and would certainly be a much more appropriate vehicle, and a straight ban would be a more appropriate method.

I pledge my support in the authorizing process to the gentleman from Illinois [Mr. DURBIN].

I just wanted to make my position clear that, although I support this gentleman in spirit, I do oppose it from the standpoint of jurisdiction.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. NATCHER], a member of the Committee on Appropriations.

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

Mr. Chairman, the distinguished gentleman from Illinois [Mr. DURBIN] who offers this amendment is one of the good members of our committee. The gentleman has been on our committee now for about a year or 2 years.

During the markup of this bill, Mr. Chairman, the gentleman offered the amendment before the subcommittee, and the gentleman was turned down 5 to 3.

As the gentleman from Florida [Mr. LEHMAN], the distinguished chairman of the subcommittee, will tell you, and the gentleman from Pennsylvania [Mr. COUGHLIN], the distinguished minority member, they said to the gentleman from Illinois [Mr. DURBIN], "What is wrong with going to the authorizing committee, the Public Works Committee? Make your case, and then bring your amendment out here."

The subcommittee voted the gentleman down 5 to 3, Mr. Chairman. Then the gentleman brought his bill to the full Committee on Appropriations; and the gentleman from Mississippi [Mr. WHITTEN], my chairman, said to the gentleman, "Regardless of who says it is not legislation on an appropriation bill, it is, and you know it."

Mr. Chairman, it was voted down in the full committee 23 to 11. We have here with the Members tonight the subcommittee chairman of the Committee on Public Works and Transportation, one of the best committees in this House, who will speak on this amendment.

The gentleman from New Jersey [Mr. HOWARD], the chairman of the full committee, is unable to be here tonight. I know how the gentleman feels about it.

When I served on this committee, Mr. Chairman, for just about a month, I was sitting here in the House Chamber when one of the senior members on one of the authorizing committees went to the well and pointed out to the Committee on Appropriations 46 instances where our committee had carried legislative provisions in our bill; and he said, "I do not like it."

We have had a former Member of this House, Mr. Chairman, write a book, House out of order.

This House is not out of order. Regardless of how the Members personally feel about amendments like this, why not take it to the authorizing

committee and give the Committee on Public Works and Transportation a chance to say yes or no.

The gentleman from Illinois [Mr. DURBIN] was voted down in the full Committee on Appropriations, 23 to 11.

The gentleman from Florida [Mr. LEHMAN] has worked hard on this bill. The same applies to the gentleman from Pennsylvania [Mr. COUGHLIN], and all of the other subcommittee members. The subcommittee has an excellent staff. They brought out, Mr. Chairman, a bill that we can send to the other body and say to the other body, "It is a good transportation appropriation bill."

I say this to my colleagues, as long as I am a member of the Committee on Appropriations, and chairman of the Subcommittee on Labor, Health and Human Services, and Education, we will not carry these legislative provisions in our bill. The gentleman knows this.

The gentleman from Illinois was turned down twice. We say to the gentleman, "Go to the authorizing committee, go to the proper Committee and ask them to bring out what the gentleman wants in an amendment."

Mr. Chairman, this amendment should be defeated.

Mr. DURBIN. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I believe all the arguments we are going to hear against this excellent amendment are going to be technical in nature, or finding some other way to divert the Members from the issue itself.

For all of our good colleagues who have a viable and strong tobacco industry in their district, we all understand what the Members have to do, whether they smoke or not, even though it is a life-or-death issue.

This is Monday, so I get my statistics from Health and Human Services every Monday. How many people have died of AIDS? We are now pushing 23,000, but 300,000 will die of cigarette smoking this year, and yet that is not the principal focus of this issue.

I know what a lot of Members in this House want to do, buy a condominium, put a condominium on it.

You can do that with cigarettes, too, cut down tar and nicotine; but you will not get any smoke.

This is not the health aspect, why I am taking the well. What I am talking about here is civility and decency, to people who do not want to breathe contaminated air.

The other night on the Red Eye from L.A., a stewardess was talking to me about this provision.

□ 2140

I was complaining about the smoke in the middle section of a DC-10 where I did not even have a jet, an air jet to turn and blow air across my face to get the smoke away. I said, "Where are these jets? Why is the smoking section so close to the middle?" The stewardess said, "The air-conditioning system on the DC-10 for United spreads the smoke evenly around the whole airplane." She said, "But, Congressman, the reason we need your help is because I have to go back and serve people in the smoking section. At the level of walking around and bending down in the smoke, it has come to the point in my life where I have to go into the latrine and vomit because I am become allergic so badly to the smoke."

My youngest daughter could not be a stewardess because she is allergic to smoke.

And I do not know whether it is the aging process, but I am telling my colleagues I have now become allergic to smoke. I smoked a pipe, I smoked a cigar. Please, for decency and civility, vote this up. This is an excellent amendment.

Mr. COUGHLIN. Mr. Chairman, for the purpose of debate only, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER], a member of the committee.

Mr. HEFNER. Mr. Chairman, I will not take the full 2 minutes.

Mr. Chairman, there are all kinds of statistics that come out and all kinds of polls and surveys.

But I would just like to read to you; the Airline Pilots Association commissioned a survey on the public's concerns on the deregulation. With regard to the smoking issue, 87 percent to 12 percent feel that the "current practice of separating smoking and nonsmoking passengers is a reasonable policy that respects the rights of each." In the same survey, respondents overwhelmingly agree the most negative aspects are flight delays, crowded conditions, and poor service in general.

The National Transportation Safety Board has investigated 65 United States carrier fire investigations between 1970 and 1984. TriData of Arlington, VA, reviewed those 65 cases and concluded that none were positively determined to be smoking related. TriData's further conclusion is that with current FAA regulations, the chances of fires from smoking are very low.

The last known in-flight fire aboard a commercial airline occurred in June 1983, when an Air Canada flight was forced to make an emergency landing in Cincinnati. The National Transportation Safety Board spent well over a year investigating the incident and smoking was not determined to be the cause.

So you can get all kinds of statistics and all kinds of surveys, but ladies and gentlemen, simply this is not the place. This is legislation clearly on appropriations. This calls for a tremendous administrative headache for the people at the airports.

So I beg you and I beg Mr. DURBIN to go back to the proper committee, have the hearings, have the experts come in and bring us a bill that we can debate on the floor, not legislation on an appropriations bill.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes, for the purposes of debate only, to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I rise in support of the Durbin amendment. To nonsmokers, particularly those who must travel frequently by air, this is an amendment whose time has truly come.

Last year, the Subcommittee on Health and the Environment conducted extensive hearings into the health effects of smoking on nonsmokers. These hearings and reports by the National Academy of Sciences and the U.S. Surgeon General have documented the adverse health effects of tobacco smoke on nonsmokers.

When a nonsmoker breathes the smoke from a smoker's cigarette it's called involuntary smoking. The Surgeon General and the National Academy of Sciences have warned that involuntary smoking can result in a wide and disturbing range of adverse health effects. In adults it can increase the risk of cancer. Children and infants can experience respiratory infection and retarded lung development.

No one has the right to impose smoking on another. But by allowing smoking on commercial aircraft, nonsmokers become involuntary smokers for the duration of the flight.

It is well established that cigarettes present a genuine and predictable risk to the health of smokers. But allowing smoking on airplanes compounds this risk by extending the risk to nonsmokers and increasing the risk of fire.

Scientists and the public have only recently come to the realization that the smoke from a cigarette can injure the nonsmoker. But anyone who has ever flown knows that the division between smoking and nonsmoking sections is a symbolic partition. We all know or have heard stories from our constituents about how unpleasant it is to sit in or close to the smoking section.

Airspace in a plane cabin is shared airspace. We must be respectful of the rights of the flying public to safety and comfort. These rights do not extend to the combustion of tobacco products in a closed airspace.

In fact, the scientific evidence reviewed by the National Academy of Sciences presents a compelling case for a total smoking ban on all commer-

cial flights. The gentleman's amendment, which bans smoking on flights of 2 hours or less, represents a reasonable compromise which, regretfully, will not make my flights back to California any easier.

Mr. Chairman, no one has a right to smoke in public if the smoke from their cigarette places another person at risk.

I commend the gentleman for his amendment and his concern for the safety of the flying public. Although a total ban on all flights is justified by the scientific evidence, the gentleman's amendment strikes a reasonable middle ground. By banning smoking on short flights the smoking public will not be unduly inconvenienced, while nonsmokers will be protected and grateful.

Mr. Chairman, allow me to close with an anecdote. I heard recently of an episode last year in which reservation errors forced the captain of a commercial airliner to prohibit smoking throughout the aircraft. The captain's announcement was greeted with cheers and applause from the passengers. That is the reaction the flying public will give to passage of the Durbin amendment.

Support of the Durbin amendment is a vote for public health and aircraft safety. It is a vote of respect for the rights of the nonsmoking public. I urge its adoption.

Mr. COUGHLIN. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I rise in strong opposition to the amendment. In addition to this being legislation on an appropriations bill, we are here late at night on an amendment that has received no hearings, either in the Appropriations Committee or in the authorizing committee. You are being asked to vote on a rather serious modification of American life without any evidence other than what you hear in the oratory tonight. No hearings. The Transportation Subcommittee on Appropriations rejected the amendment, as Mr. NATCHER has said; the full Committee on Appropriations rejected it better than 2 to 1 and yet it comes to the floor of the House without any hearings, having been rejected by the Appropriations Subcommittee and full Committee and yet here we are.

The Department of Transportation says the subject needs further study. During the last exhaustive review of the question in 1984, the Civil Aeronautics Board specifically rejected a proposal just like this to ban smoking on flights lasting 2 hours or less, citing the enormous administrative problems it would create for the airlines.

In addition to that, this amendment could very well increase the safety

risks for airline passengers. If smoking is prohibited on airline flights thinking of those who are going to be lining up to get into the bathroom for purposes other than what it was designed for. We all know that smoking in the bathroom on the airplane poses enormously increased risks than smoking in the cabin in a smoking section. And if your concern is based on air quality in the aircraft cabins you might be interested to learn that DOT has called for further research on that subject, including consideration of technological solutions in ventilation modification systems to address that issue. Mr. Chairman, 87 percent of the airline passengers think things are perfect just the way they are.

"If it ain't broke, don't fix it."

Mr. DURBIN. Mr. Chairman, for purposes of debate only I yield 3 minutes to the gentleman from Florida, [Mr. Young], cosponsor of this amendment and one of the pioneers on this issue.

Mr. YOUNG of Florida. I thank the gentleman for yielding the time and I want to compliment the gentleman for taking the initiative on such a controversial issue and to bring it all the way to the floor of the U.S. House of Representatives.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Illinois, Mr. DURBIN, because I believe we must provide relief for nonsmokers aboard our Nation's commercial airlines.

This has long been a matter of great concern to me. During the 92d Congress, I introduced legislation to mandate the creation of separate smoking and nonsmoking sections aboard U.S. commercial aircraft. Prior to this time, nonsmokers were afforded no protection from smokers aboard aircraft. The outcry of public support for my legislation was so great in 1971, that one commercial airline after another began voluntarily separating smokers from nonsmokers aboard their flights. And it was in response to my legislation that the Civil Aeronautics Board in 1973 issued regulations mandating all airlines to provide separate seating for smokers and nonsmokers.

There were many people, including the U.S. Surgeon General who at the time urged me to require that all smoking be prohibited aboard commercial aircraft. In an effort to be fair, however, I proposed separate seating because I sought to provide relief for nonsmokers without placing a burden on smokers.

Since that time, however, scientific studies and analyses have documented that even though smokers and nonsmokers are separated aboard aircraft, smoke from the rear of the aircraft still endangers the health of all nonsmokers aboard the flight—including passengers and crew members. The National Academy of Sciences recom-

mended in a 1986 report on this very subject that for health and safety reasons smoking be prohibited aboard commercial flights.

Airplane ventilation systems have proven unable to adequately filter the confined cabin airspace to protect nonsmoking passengers and crew members from the consequences of second hand smoke. Officials of National Airlines, prior to its merger, invited me to Miami to show me the inside of an airline ventilation system—a system that was so clogged with tar and nicotine that the maintenance crew was unable to get it clean. The residue clogging this system is indicative of the quality of air nonsmokers must breathe when confined to a small air space with smokers.

This type of concern about the effect of noxious tobacco fumes on nonsmokers has led a number of U.S. cities to ban smoking in public buildings, offices, and restaurants. In fact, this very body has strict rules prohibiting smoking of any kind in this Chamber.

Finally, Mr. Chairman, I would like to comment on some of the issues raised earlier in the debate.

First, on the safety issue. I just listened to my friend and colleague from Kentucky about safety and how passengers might be lining up in the bathrooms to smoke.

Well the bathrooms on airplanes are very, very small and I can tell you that it would not take a very sensitive smoke alarm to alert the crew or the flight attendants or anyone on board with jurisdiction to the fact that someone is smoking in that little bathroom.

And on the administrative problem: when I line up, as I do, and as we all do almost every week to get a ticket and a seat assignment, the gate attendant has to ask the question of everyone coming up, "Do you want the smoking section or do you want the nonsmoking section? Then they have to check the computer to see if there are seats in the smoking or nonsmoking section available.

I would suggest that this amendment would actually cut down on the administrative time involved in boarding a flight.

And let me say this: We are not breaking any new ground here because cities and communities all over this great Nation of ours are already making decisions like this. Ordinances and local laws prohibit smoking in restaurants and theaters and stores and in enclosed shopping centers. That is no news. It is happening all over the country.

And as I said earlier, although on occasion it is violated, there is a very strict rule against smoking in this Chamber and this Chamber is not confined at all. The ceiling is some 50 feet high. It is a very large room. The con-

finement here is nothing like being confined in the cabin of an airplane.

Finally, Mr. Chairman, on the health issue, I have the privilege of representing a district in Florida that has a very large elderly population. A lot of those people fly from Florida to visit their families in the northern States because many of them have come to Florida to retire after living in your States.

Many elderly people have respiratory and cardiac medical problems that are severely affected by the smoke whether it is coming directly from a cigarette or whether it is coming through a filtration system.

Finally, there are those who believe that it is an inconvenience to a smoking passenger. We are only talking about 2 hours on the airplane. If it goes beyond 2 hours this amendment does not apply. Pipe smokers are prohibited, as are cigar smokers prohibited altogether on airplanes. So what is fair for one should be fair for the other.

Mr. Chairman, Congress has directed our Nation's cigarette producers to place health warnings from the Surgeon General on each package of cigarettes sold in the United States and Congress has banned television advertisements for these products because they threaten the health and safety of smokers and nonsmokers. The amendment we are considering today would go one step further in protecting nonsmokers by banning smoking aboard domestic commercial flights of less than 2 hours.

No one should have to be captive to the discomfort caused by someone else's smoke, especially in the limited confines of aircraft cabins. This is consistent with the past actions of this body which appropriates millions of dollars annually to warn the American people of the dangers of cigarette smoking and to study and prevent the incidence of heart and lung disease among smokers and nonsmokers alike.

The CHAIRMAN. The Chair would indicate that the gentleman from Pennsylvania [Mr. COUGHLIN] has 22 minutes remaining and the gentleman from Illinois [Mr. DURBIN] has 16 minutes remaining.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the very distinguished chairman of the full Appropriations Committee, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I will not talk to the merits of the amendment at this time, but rather I would like to talk about procedure. Our Committee on Appropriations works very hard trying to stick to the rules and trying to keep down legislation. Ninety-nine percent of the legislation we include in our various bills is at the instance of the legislative committees. Any study of procedure here will show

that anybody with a viewpoint wants to underscore it with a law to strengthen their side of the argument.

Now we all know, that regardless of how controversial this amendment is, you can prove anything by statistics. We should have an overall hearing, and review the pros and cons. In a time when we are worried about the safety on airplanes and many, many other things let us not load this down with another law that in all likelihood will be ignored. Certainly let us not do it in an appropriation bill without hearing and all these other things.

I have handled EPA appropriations for many years and folks who feel very strongly about how many of these things forget about what is all involved. I have read all these statistics. They tell me enough salt will give you cancer, enough Coca-Cola will give you cancer, and enough of a whole lot of other things. We do not know anything about the quantity.

Let us not load down an appropriation bill with a statute that would tie up all the air transportation in this country when we have a legislative bill coming down the road where you could hear all sides of it. Let us do that which is best. I hope you will defeat this amendment, not to stop this issue, but to put it where it should be, where you can hear all sides of it.

Mr. DURBIN. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Chairman, I know it is a long evening tonight and I did not come prepared to make a statement on this issue, but I think it is important that the Members know that one of their colleagues gets very much affected in an adverse way by sitting on airplanes where there is smoking allowed. I have been affected. I have certain allergies that cannot stand to be imposed with smoke. My physiology is very much suffering when I sit next to people who smoke or I sit in proximity of smoke.

I have to use a medicine in this little container just to relieve me to some extent and it takes awhile for it to actually work. It hurts me and I hope that my colleagues understand that while I might not suffer from a lung disease or cancer in the long term that indeed it does disrupt my health at a time when I am suffering from the inhalation of smoke.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], a member of the committee.

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Mr. DELAY. Mr. Chairman, let me say that I am not from a tobacco

State, and nothing is grown in my district that relates to tobacco. I hesitate to come before the Members on this, but I am trying to bring a little common sense back to this Chamber, because this, as many have already said, is not the way to legislate.

First, those Members who are for local control look at this amendment and say that it makes policemen out of our airports. The amendment says it is only for 2-hour flights. Are we going to have a smoking patrol at the airport to go out to the airplane and make sure they did not allow smoking during that 2-hour flight, but on the 3-hour flight from, say, Houston to California they will allow it for that time, and they are going to check to see and they will interrogate passengers on the plane?

Is this the way to do business? Is this the way to affect airports that are owned by local entities, increasing the cost of enforcing this law by local entities?

If we want a no smoking amendment, then we should bring one to the floor. If we want to stop smoking on airlines, then we should bring it through the proper process, but let us not attack our airports and make them the enforcers of something that should be done straight up by this House.

I hesitate to bring this up because there are going to be Members—there has already been one—who disagree about the effect of smoking. I do not know if passive smoking hurts people or not, but I do not know that the studies that have been done and the studies that have been quoted by the gentleman from Illinois are not conclusive. They even admit it in their own studies. The National Academy of Sciences studies are not conclusive.

Mr. Chairman, I ask that the Members not pass legislation based on inconclusive evidence.

Mr. DELAY. Mr. Chairman, in support of my contention that the available studies on the health effects of environmental tobacco smoke are insufficient to make a scientific determination that ETS is of a significant health hazard, I offer the following list of quotes from the Surgeon General's report. Additionally, I am submitting a critique of the National Academy of Sciences report which shows that it too is flawed and based on a scientifically inadequate database.

ENVIRONMENTAL TOBACCO SMOKE [ETS]

IS THERE A RISK?

The Surgeon General's conclusion that ETS is harmful to nonsmokers is directly contradicted by his own report and research.

Studies which tend to show statistical correlation and thus, conclude ETS is a health hazard, have serious research and design flaws.

Because tobacco smoke is visible, it receives virtually total, yet unjustified, blame for poor indoor air quality. Without exception, professional inspection of office buildings show minimal or no problems from tobacco smoke. Serious air quality problems result primarily from fungi build-up in poorly maintained ventilation systems.

IS ETS HARMFUL TO NONSMOKERS?

Surgeon General's own scientific report does not support conclusion that ETS is harmful to nonsmokers.

EXAMPLE 1

SG's conclusion.—"Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers." (SG's report, Dec. 16, 1986, p. vii.)

SG's research.—Lung Cancer.—"Risk associated with involuntary smoking exposure is uncertain. Important questions related to (ETS) exposure require further research. More accurate estimates for the assessment of exposure in the home, workplace, and other environments are needed." (SG's report, Dec. 16, 1986, p. 101.)

"(L)ittle is known about the magnitude of the (ETS) exposures that occur in different segments of the U.S. population. A better understanding of the exposures that are actually occurring in the United States, and of past exposures, would be needed to accurately assess the risk for the U.S. population." (SG's report, Dec. 16, 1986, pp. 96-97.)

Acute Respiratory Illness.—"There are no studies of acute respiratory illness experience in adults exposed to environmental cigarette smoke." (SG's report, Dec. 16, 1986, p. 60.)

Pulmonary Function.—"The physiologic and clinical significance of the small changes in pulmonary function found in some studies of adults remains to be determined. The small magnitude of effect implies that a previously healthy individual would not develop chronic lung disease solely on the basis of involuntary tobacco smoke exposure in adult life." (SG's report, Dec. 16, 1986, p. 62.)

Bronchoconstriction.—"The magnitude of these changes is quite small, even at moderate to high exposure levels, and is unlikely that this change in airflow, per se, results in symptoms." (SG's report, Dec. 16, 1986, p. 63.)

Asthmatics.—"Pulmonary Function Was Not Influenced By (ETS) Exposure. Nonspecific bronchial responsiveness decreased significantly, rather than increasing, as would be anticipated following an irritant exposure. . . . Studies of large numbers of individuals with measurement of the relevant physiologic exposure parameters will be necessary to adequately address the effects of environmental tobacco smoke exposure on asthmatics." (SG's report, Dec. 16, 1986, p. 65.)

Ear, Nose, and Throat.—"There are no studies of chronic ear, nose, and throat symptoms in adults with involuntary smoking exposure." (SG's report, Dec. 16, 1986, p. 65.)

EXAMPLE 2

SG's conclusion.—"Simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, exposure of nonsmokers to environmental tobacco smoke." (SG's report, Dec. 16, 1986, p. 318.)

SG's research.—"There are no controlled studies in which smoking behavior has been tracked over time in the states or communities that have enacted smoking legislation." (SG's report, Dec. 16, 1986, p. 14.)

"Validated questionnaires are needed for the assessment of recent and remote exposure to environmental tobacco smoke in the home, work place, and other environments." (SG's report, Dec. 16, 1986, p. 14.)

"To the present, there has been relatively little systematic evaluation of policies restricting smoking in public places or at the workplace." (SG's report, Dec. 16, 1986, p. 16.)

ARE THERE SERIOUS FLAWS IN THE RESEARCH WHICH TEND TO SUPPORT THE SURGEON GENERAL'S CONCLUSIONS?

Selection bias, the choosing of an unrepresentative group of subjects for research, misclassification, putting people in the wrong categories, and confounding variables such as diet and occupation are present and unaccounted for in a number of studies.

SG's research.—"Misclassification of exposure to environmental tobacco smoke is inherent in epidemiological studies of involuntary smoking." (SG's report, Dec. 16, 1986, p. 72.)

"Misclassification of smokers or ex-smokers as nonsmokers may produce the appearance of an involuntary smoking effect when, in fact, the true relationship is with active smoking." (SG's report, Dec. 16, 1986, p. 66.)

"Most studies of lung cancer to date have used the number of cigarettes smoked by spouses as a measure of exposure to involuntary smoking, and thus have disregarded duration of exposure, exposure from other sources, and factors that influence exposure, such as proximity to the smoker of size and ventilation of the room where the exposure occurred. Moreover, all of the published studies have based involuntary smoking exposure measures on questionnaires without validation of these data with biochemical markers or environmentally measured concentrations of tobacco smoke constituents. Misclassification of involuntary smoking exposure is likely to be random and to bias the effect measures toward the null." (SG's report, Dec. 16, 1986, pp. 67-72.)

"The exposure variables employed in epidemiological studies do not separate nonexposed from exposed subjects; instead they discriminate more exposed groups from less exposed groups." (SG's report, Dec. 16, 1986, p. 72.)

"Information bias is an added concern in case-control studies since neither interviewer nor respondent bias can be ruled out." (SG's report, Dec. 16, 1986, p. 73.)

"The direction of the information bias may be dependent on the type of respondent. Self-respondents may be more apt to interpret their disease as related to exposure to tobacco and thus overreport the exposure." (SG's report, Dec. 16, 1986, p. 73.)

"Surrogate respondents may minimize the reporting of their own smoking because of guilt, or may overreport about involuntary smoking exposure in an attempt to explain their relative's illness." (SG's report, Dec. 16, 1986, p. 73.)

"Relative risks ranging from 2 to 3 were generally reported for the highest level of exposure based on the spouses' smoking habits, but since sample sizes in most studies are not large, the point estimates of effect are unstable, and confidence limits are broad and generally overlap from one

study to another. An index of involuntary smoking based on the smoking habits of the spouse is simplistic and convenient measure." (SG's report, Dec. 16, 1986, p. 101.)

"Misclassification of the lung as the primary site and the lack of pathological confirmation are repeated concerns. Misclassification of exposure to ETS cannot be dismissed, since an index based solely on the smoking habits of a current spouse may not be indicative of past exposure, cumulative exposure, or the relevant dose to the respiratory tract." (SG's report, Dec. 16, 1986, p. 101.)

CRITIQUE OF NAS AIRLINER CABIN ENVIRONMENT AIR QUALITY AND SAFETY REPORT

The purpose of the Committee on Airliner Cabin Air Quality was to determine whether air quality and standards aboard commercial aircraft are adequate for health and safety of all who fly. The major difficulty faced by the Committee, emphasized throughout the report, is the lack of necessary data on which to base conclusions. This is true for exposure assessment as well as health outcome evaluation. Thus, the Committee concludes:

The available empirical evidence is of insufficient quality and quantity for a scientific evaluation of airliner cabin air or of the probable health effects of short or long exposure to it.

The lack of appropriate data is recognized in most of the Committee's recommendations. These recommendations generally deal with re-evaluating or developing new standards and establishing programs for the measurement of air quality parameters and health outcomes in crew and passengers. However, the lack of appropriate data notwithstanding, the Committee does "unanimously and forcefully" propose that smoking be totally banned on all commercial flights within the United States. In view of the force with which this recommendation is made it is of interest to examine its scientific basis. In addition, it is useful to consider the strength of evidence and proposed action with respect to environmental tobacco smoke within the context of the same information for other pollutants identified in the airliner cabin.

In the absence of a relevant and reliable data base, the Committee based its various exposure assessments on calculated values derived from theoretical mathematical relationships between aircraft design and pollutant emission and decay properties, or on actual measurements of selected air contaminants made in the airliner cabin. Unfortunately, these measurements have not been made systematically and, by and large, consist of random data, collected in an unverified manner. Since virtually none of the data have been reported in peer-reviewed publications, we have no basis for assessing their reliability.

There are several approaches to evaluating the quality of airliner cabin air and its relationship to health and comfort of the passengers and crew. All rely on exposure assessment. The most direct approach is to collect data aboard aircraft on exposure and health outcomes, as recommended in the Committee's report. However, no such data currently exist. If we can estimate the individual exposure to a given contaminant aboard aircraft, then we can attempt to predict its relationship to health and comfort using exposure-response relationships which have been derived from similar exposures in other settings. In some cases, a recommend-

ed standard may exist, presumably based on such exposure-response relationships.

The sections of the report dealing with tobacco smoke rely on experimental or epidemiologic studies of environmental tobacco smoke and health or comfort outcomes in evaluating the impact of tobacco smoke on cabin air quality. This evaluation is limited not only by the lack of exposure data, but also by the inconclusive nature of the experimental and epidemiological literature. The discussion below critically reviews the section of the NAS Report dealing with tobacco smoke, from the point of view of exposure, relevance of existing standards, and strength of existing data on health and comfort outcomes.

Exposure.—The discussion of exposure to environmental tobacco smoke (ETS) relies exclusively on carbon monoxide and respirable suspended particulates (RSP) as surrogate measures. However, neither of these markers is specific for tobacco smoke. Thus, both carbon monoxide and RSP have several sources which could account for their presence in air. For example, a common source of RSP is physical activity in the area. It is possible, therefore, that elevated levels of RSP measured in the smoking section may reflect, in addition to tobacco smoke as a source, the increased levels of activity associated with traffic to and from the laboratories and the preparation of the food service. The relative contributions of various sources of RSP to the levels measured can be determined by carefully designed experiments. However, to measure RSP in the smoking section, and attribute them solely to tobacco smoke, is not scientifically supportable.

The limitations associated with using carbon monoxide and RSP as surrogates for environmental tobacco smoke are well recognized. A more commonly used surrogate is nicotine, which is specific for tobacco smoke. The Committee report fails to cite the published findings of Muramatsu on nicotine levels aboard aircraft. In addition, the Committee had been given a manuscript of a paper, submitted for publication, which reported extensive measurement of nicotine concentrations in the smoking and non-smoking sections of commercial aircraft. It is difficult to understand why this data were not included in the Committee's report. While it is true that the data were unpublished, and not subjected to peer-review, the same is true of virtually all of the data on carbon monoxide and RSP measurements made aboard aircraft, reported in Table 5-3. Thus the Committee report states: "... the data supporting these values [for carbon monoxide and RSP] are sparse, and most have not been subjected to peer-review." [Of the five cited sources of data in the Table, only one is a published, peer-reviewed reference].

In spite of the lack of adequate data, the Committee comes to a number of conclusions regarding ETS exposure in the airliner cabin. For example, on page 132, it is suggested that some aspects of source generation are unique to the airline cabin environment. For example, the temporal pattern of smoking is likely to be less random, with the majority of smokers tending to smoke at approximately the same time. It is reasonable to assume that this pattern of smoking will result in high transient concentrations of cigarette smoke components in the smoking area. In spite of the lack of data to support this assumption, the Committee concludes:

The pattern of smoking results in higher transient concentrations of cigarette smoke than occur in other public place where smoking is permitted. High transient concentration occur not only in the smoking section but also in other parts of the cabin.

The Committee's report provides no citation or data to support the statement that high transient concentrations of tobacco smoke components occur in the nonsmoking section of the cabin.

The data presented in Table 5-3 provide no information on the number of measurements made or the variability associated with these measurements. As recognized later in the report, isolated measurement are likely to be highly variable even if they are made with accurate instruments. This inherent variability, coupled with the high transient concentrations suggested to occur, make it difficult, if not impossible, to interpret the data presented in Table 5-3 without much more information on the sampling, analysis and reporting protocols used in the various studies.

In the absence of adequate data to assess exposure, the Committee commissioned the development of a mathematical model for airliner cabin air quality. The rationale for the expenditure of the Committee's resources in this way is unclear. Models can be extremely useful in predicting the effects of changes in design or operation of ventilation systems, or changes in patterns of source emissions, on air quality. However, before a model can be useful, it must be validated. In other words, the model predictions must be shown to be consistent with actual measurements. Since there is essentially no data available from actual measurements either aircraft ventilation systems or concentrations of air contaminants, it is impossible to assess the validity of the model. This further is complicated by the fact that many of the assumptions incorporated in the model and parameter values used are unreferenced and unsupported. Many of the limitations of the model are recognized in the Committee's report. However, the report does not acknowledge the large discrepancy between the model's prediction of RSP concentrations in the smoking sections and the actual measurements reported in Table 5-3.

A peripheral issue with respect to exposure is the impact of air recirculation on the exposure of individuals in the non-smoking section to tobacco smoke generated in the smoking section. The language used throughout the report gives the impression that recirculation of cabin air occurs routinely. For example, on page 59, the report states "Cabin recirculation systems on most airplanes results in partial or complete mixing of air in the smoking and non-smoking sections." The executive summary contains the following statement:

Smoke exposure can become significant in aircraft with outside-airflow rates as low as 7 cfm/passenger. Even the ventilation (airflow) rate of 14-15 cfm/passenger consists of as much as 50% recirculated, and possibly smoky, cabin air.

However, according to the information presented in Chapter 2 of the report, recirculation of cabin air may be the exception rather than the rule. In 1985, it was estimated that 30% of the seat-hours flown by U.S. airlines were on aircraft with recirculation systems. This percentage is estimated to increase to 40% by 1990. Therefore, the majority of the time, individuals in the non-smoking section will receive no exposure to environmental tobacco smoke through air

recirculation. The Committee's report states:

In aircraft without air recirculation, passengers well into the non-smoking sections, flight crew members, and cabin crew members whose duties do not take them into the smoking sections are relatively unexposed."

In aircraft with ventilation systems designed to include recirculated air, it is possible that treatment of the recirculated air, through filtration, may reduce or eliminate the recirculation of tobacco smoke components. This possibility is discussed in several different sections of the Committee's report, and there is significant inconsistency between the statements made in the various sections. In Chapter 2, it is stated that 80% of models B-757 and B-767 with recirculation systems filter recirculated air through particle filters that remove particles as small as 0.3 μm . In addition, these aircraft have charcoal filters available as an airline option. Later in the report, it is stated that gaseous contamination will be substantially reduced by the use of the optional charcoal absorption beds. Finally, on page 141, it is stated:

Filtration of 80% of particles with Cambridge filters, which are currently in use on aircraft that have recirculation systems, has reduced irritation [due to ETS] substantially.

In the section of the Committee's report dealing with prevention of exposure to ETS it is recognized that filter systems that effectively remove gases and particles from ETS could eliminate many of the problems of and objections to onboard smoking. However, the Committee goes on to state:

Such systems that are compatible with requirements for installation on airplanes have not yet been developed.

This statement is inconsistent with the data presented in earlier sections of the report. Not only do such filtration systems exist, but there is data supporting the fact that they are effective in reducing the irritation associated with ETS exposure due to recirculated air.

Existing standards.—The impact of environmental tobacco smoke on airline cabin air quality is considered in the context of existing standards for ventilation and for particulate matter. Ventilation standards are designed to produce air in which there are no known contaminants at harmful concentrations, and which is rated as acceptable by 80% of occupants. Standards developed in other environments are not necessarily applicable to the airline cabin. As documented in the Committee's report, the air quality in the airliner cabin may be rated as unacceptable on the basis not only of the presence ETS, but also due to the very low relative humidity, and the presence of ozone and possibly other contaminants at levels which produce irritation. However, of the many possible causes of unacceptable air quality, the one that is most recognizable by the occupant is tobacco smoke, which can be detected by sight and smell. Thus, it is not surprising that ETS is commonly cited as the cause of unacceptable cabin air quality.

In applying the existing ventilation standards to the airliner cabin, the Committee report states:

Ventilation standards for smoking areas in other places are designed to produce acceptable air in which there are no known contaminants at harmful concentrations and with which a substantial majority (80%) of the occupants do not express dissatisfaction. These standards led to the ASHRAE suggestion of ventilation at 20-50 cfm/person for a

variety of settings where smoking is allowed. The maximal flow of ventilation distribution in 1985, shown in Figure 2-6, indicates that about 80% of the flights had airflow of less than 40 cfm/passenger. By the above guidelines, it is apparent that aircraft ventilation would not meet the criterion of acceptability to at least 80% of non-smokers if the non-smokers were forced to work in, traverse or wait in an active smoking section.

There are a number of difficulties associated with this line of reasoning, not the least of which is the application of these standards to accommodate the non-smoker who is just passing through or waiting for a brief period in the smoking section. The relevance of the ASHRAE ventilation standard depends upon whether the "variety of settings" for which they were developed are comparable to the conditions encountered in the airliner cabin. Assuming that a recommended ventilation rate can be validly extrapolated from another setting, it then must be compared to existing ventilation rates aboard aircraft. The Committee's report cites Figure 2-6 as the source for the data on the distribution of ventilation rates aboard aircraft. However, it should be pointed out that the data in this figure are derived from calculations based on engineering design, and assumptions concerning operating procedures, rather than actual measurement of ventilation rates within the cabin. The use of unverified data such as these for the purpose of comparison to a standard should be undertaken cautiously.

With respect to the applicability of ventilation standards developed for other settings to the airliner cabin, one must consider the unique problems associated with airliner cabin air quality, as discussed above. In particular, the relationship between relative humidity and ETS acceptability may be significant. The Committee report cites conflicting data. In one study, odor sensitivity was reported to increase with increasing relative humidity, while in the other, both odor and irritation were perceived to be more intense at lower humidities. Neither of these studies examined odor or irritation associated with ETS at the very low relative humidities commonly found in the airliner cabin. However, these data do suggest that the airliner cabin is a unique environment for which a separate standard should be developed.

It is suggested in the Committee report that removal of tobacco smoke from the aircraft environment would reduce the cabin ventilation requirements. This statement represents an overly simplistic and narrow-minded view which fails to consider the ventilation required to maintain acceptable air quality with respect to non-tobacco smoke related contaminants. For example, in another section of the report, the Committee recommends that maximal ventilation be used with full passenger complements in order to decrease the potential for microbial exposure. In addition, high ventilation rates may be necessary in order to maintain the level of other contaminants, including CO₂, within an acceptable range.

The standard for particulate matter is also used as a basis for evaluating the contribution of ETS to unacceptable air quality. For this purpose, the Committee arrives at a figure of 250 $\mu\text{g}/\text{m}^3$ as the average concentration of particulate matter in the smoking section of an aircraft. The basis for the choice of this figure is not given. It appears to have been chosen on the basis of the very limited data which were collected

and presented in Table 5-3. The limitations of this data have been discussed previously. The use of 250 $\mu\text{m}^3/\text{m}^3$ is based on such tenuous data that its consideration in the context of existing standards for particulate matter is inappropriate.

In addition, the standards which are cited are not directly applicable to the concentration of RSP in aircraft cabin air. As pointed out in the Committee report, the EPA and ASHRAE standards are based on total suspended particulate matter (TSP) and not RSP. Furthermore, the EPA and ASHRAE standards are for average annual and 24-hour exposures. The 24-hour standard represents the permissible integrated exposure over the course of 24 hours. This may include periods of exposure to concentrations considerably in excess of the standard, balanced by periods of exposure at concentrations below the standard. Therefore, exposure to RSP concentrations exceeding the standard for several hours during an airplane flight, does not necessarily violate the standard.

Health effects.—The estimation of the health effects associated with ETS exposure are derived exclusively from data collected in other environments. For non-smoking passengers and crew working in the non-smoking section, a consideration of the effects of short exposure is appropriate. For flight attendants working in the smoking area, a consideration of the effects of chronic or long term exposure to ETS must also be considered.

With respect to acute exposure, the Committee considers the endpoints of discomfort, irritation and effects on individuals with pre-existing pulmonary or cardiovascular disease. The difficulties associated with interpreting the studies on irritation have already been discussed. In discussing the effects of ETS on groups at increased risk, the Committee report presents the conflicting, and therefore inconclusive, results of several studies examining the effects of ETS on individuals with asthma. Similarly, the effects of ETS exposure on patients with angina are described as "suggested but never proved." The statement in the summary section that "Patients with severe asthma or angina are at higher risk from exposure from ETS than other exposed people, because of the increase likelihood of acute symptoms" is inconsistent with the Committee's analysis of the data as discussed in the body of the report.

Flight attendants working in the smoking section receive a more chronic exposure to ETS. Therefore the Committee undertook an evaluation of the literature which deals with the relationship between ETS exposure and lung cancer and respiratory disease in non-smokers. These studies all involve exposure in non-airline cabin environments and, as indicated in the Committee's report, extrapolation from these studies to the experience of a person in an aircraft cabin is not straightforward. The literature on ETS and lung cancer is characterized in the report as being consistent between studies, and across designs and cultural settings. This characterization overstates the strength of the epidemiologic literature. A number of studies fail to find a statistically significant increase in lung cancer associated with ETS exposure. In some studies, internal inconsistencies, including a lack of a dose-response relationship or effects limited to a single sex or source of exposure have been noted. The presence of such inconsistencies caution against interpretation of the study as demonstrating an association based on a single, statistically significant finding.

The most significant and pervasive problem with the studies on ETS exposure and lung cancer is the lack of valid exposure data. The Committee's report states:

Exposure values in these studies were developed from questionnaire data that indicated that the non-smoking subjects were chronically and regularly exposed to ETS at home.

This is an unequivocally *false* statement. In the majority of studies, ETS exposure was estimated solely on whether or not the spouse of the cancer patient was a smoker and, if he were, how many cigarettes a day or year he smoked. Only one study further defined exposure in terms of the number of cigarettes smoked by the husband in the home. However, even in this study, it was not ascertained that the non-smoking spouse actually was exposed in the home.

It is generally recognized that the use of spousal smoking habits as a surrogate estimate of ETS exposure has significant limitations. An extensive questionnaire survey of an American population found that almost half of non-smoking women married to smokers reported no ETS exposure in the home. Conversely a similar proportion of non-smoking women married to non-smokers reported significant ETS exposure outside of the home. The few studies which have examined lung cancer incidence in non-smokers as a function of ETS from all sources, not just from spousal smoking, have failed to find a relationship. This suggests the possibility that the association found in some studies between lung cancer incidence in non-smokers and being married to a smoker may have nothing to do with ETS exposure. Several alternate explanations exist; including differential misclassification of the non-smoking status of the lung cancer patient and confounding variables associated with marriage to a smoker.

The section of the Committee's report on lung cancer makes the mistake of equating marriage to a smoker with chronic exposure to ETS. This mistake apparently arises from an incorrect understanding of the exposure data used in the epidemiologic studies.

As indicated in the Committee report, the findings of studies examining the effects of ETS exposure on lung function in adults are inconsistent and inconclusive. Furthermore, as recognized by the Committee, the decrements in pulmonary function reported in some of the studies may or may not have any impact on health.

The recommendation for a ban on smoking aboard aircraft is based on a desire to reduce the *potential* health hazards to the cabin crew associated with ETS. Thus, the Committee recognizes the weaknesses of existing data with respect to establishing a cause and effect relationship. In the summary of Environmental Tobacco Smoke section (pp. 150-151) the Committee states:

Health effects data from other environments do not permit us to present reliable quantitative risk estimates related to the health impact of present concentrations of ETS on exposed non-smokers in an aircraft environment.

In spite of this, however, the paragraph goes on to report the results of one risk assessment calculation. No reference for this calculation is given, nor was it discussed in the body of the section on health effects of ETS. Its inclusion in this manner is inappropriate.

Basis for the Proposed Ban on Smoking Aboard Domestic Commercial Flights.—The basis for the Committee's recommendation to ban smoking aboard domestic commercial flights was:

To lessen irritation and discomfort to passengers and crew, to reduce potential health hazards to cabin crew associated with ETS, to eliminate the possibility of fire caused by cigarettes, and to bring cabin air quality into line with established standards for other closed environments.

It is of interest to examine the scientific basis of the Committee's recommendations in the context of the scientific data and Committee recommendations on other aspects of the airliner cabin environment.

The ban on smoking is recommended in order to lessen irritation and discomfort to passengers and crew in spite of a total lack of scientific data on the extent to which environmental tobacco smoke is a cause of irritation and discomfort to occupants of the airliner cabin. Although ETS can under some situations cause irritation to some individuals, several other aspects of the cabin environment including low relative humidity, carbon dioxide, ozone and volatile organic compounds could also be the cause of discomfort. The reports of passengers and crew indicating that tobacco smoke is the source of their discomfort must be considered in light of the fact that of the various possible sources, tobacco smoke is the only one which can be readily detected by the senses. By comparison, the literature on the relationship between low relative humidity and reports of discomfort, irritation and health effects is more or less comparable to that dealing with ETS. That is, although no direct data exist on the effects of low relative humidity on passengers and crew aboard aircraft, low relative humidity, in the range normally seen in aircraft, is associated with discomfort and irritation, with respect to health effects, some of the literature suggests that low relative humidity may be associated with effects on the respiratory system, but this data are inconsistent and inconclusive. In spite of the similarities between the relevance and conclusiveness of the data on relative humidity and ETS, the Committee's recommendation with respect to relative humidity is:

The Committee could find no conclusive evidence of extensive or serious adverse health effect of low relative humidity on the flying population that would justify recommending regulation.

The ban on smoking is also recommended in order to reduce potential health hazards to cabin crew associated with ETS. The language of the recommendation acknowledges that the literature is, at best, suggestive but not conclusive with respect to health effects of ETS. The same can be said of the literature on relative humidity, yet the Committee concluded that in the face of lack of *conclusive* evidence, regulation was not warranted. In the case of ozone, where the health effects are far better documented, the Committee recommends establishing monitoring programs to insure that cabin ozone concentration comply with Department of Transportation regulations, but does not comment on the fact that this standard (0.25 ppmv at sea level) is within the range where health effects are predictable based on the ozone studies reviewed in the report.

A further basis for the ban on smoking is that it will bring the cabin air quality into line with established standards for other closed environments. The scientific basis for this recommendation is unclear. As recognized by the Committee, there is inadequate data for assessing the impact of environmental tobacco smoke on levels of specific cabin air contaminants and, therefore, no

basis for comparing them to existing standards. Furthermore, the standards which do exist are not necessarily applicable to the cabin air environment. In contrast, the relative humidity of the airline cabin air, both measured and predicted, is well below the standard recommended by ASHRAE. Similarly, the Committee report suggests that a crew member might receive up to 1,000 mrems/yr from flying, an exposure which is above the 500 mrem/yr recommended maximum for any member of the general public. The Committee conservatively recommends that radiation exposure should be monitored and that flight attendants and crew be educated on the potential health effects of radiation exposure.

In conclusion, the Committee's unanimous and forceful recommendation that smoking be banned on all commercial flights within the United States is based on weak scientific data which are for the most part, inconclusive and, in some cases, not relevant. It may be argued that the Committee erred on the side of being conservative in order to provide maximal protection of the public health. However, such an attitude was not consistently applied. This is clearly seen when one considers the lack of aggressive recommendations for other aspects of the airliner cabin environment in situations where scientific data on the effects on comfort and health are far more conclusive.

Mr. DURBIN. Mr. Chairman, for the purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I would like to commend the gentleman from Illinois [Mr. DURBIN] for his leadership on this issue. We have heard that this is not the vehicle with which to legislate on a passive smoking issue, but we also know it is impossible to legislate anything in this House the way Members are distributed on this very difficult issue.

So I want to commend the gentleman for his creativity in finding a vehicle to get something done on the issue of passive smoking. Passive smoking is the biggest air pollution problem that the American people face. The country spends \$50 billion a year to regulate corporate America's polluting of the atmosphere of the American people. Yet perhaps the single most egregious exposure to air pollution can be done away with free.

Tobacco smoke has some 4,000 chemical constituents. Forty of these are known carcinogens or tumor initiators. In addition, every air-polluting substance, as defined and regulated by EPA, is contained in tobacco smoke. Several investigators have shown that certain hazardous chemical constituents are present in far greater volume in passive smoke than they are in the direct smoke taken in by the active smoker.

We have a bill that we have introduced in a couple of Congresses that prevents smoking in public buildings except in designated areas. The reason we have done this is to confine the smoke so that those who do not want to smoke are not exposed to it. But if you are in an airplane, it is not like a

public building or it is not like a restaurant; you just cannot walk out, you cannot leave.

The National Academy of Sciences report found that separating the nonsmokers from the smokers did not work. The air space within the airplane was simply too small for such sectioning off.

Mr. Chairman, this amendment is not a radical amendment. It is a commonsense amendment. We have heard a lot about flying the friendly skies. Well, let us let passengers enjoy flying the smokeless skies.

Mr. Chairman, I urge my colleagues to support the Durbin-Young amendment. Substantial hearings have been held on this subject.

Our country spends some \$50 billion per year on cleaning up our environment to protect our health and welfare. Yet the single, most egregious exposure to air pollution is avoidable at no cost.

Tobacco smoke has approximately 4,000 chemical constituents. Some 40 or so of these are known carcinogens, or tumor initiators. In addition, every air-polluting substance as defined and regulated by EPA is contained in tobacco smoke. Several investigators have shown that certain hazardous chemical constituents are present in much greater concentration in the passive smoke inhaled by the nonsmoker than in the filtered smoke inhaled by the active smoker.

For the past two Congresses, I have introduced bills to protect the health of nonsmokers working and visiting in U.S. Government buildings from the hazards of involuntary smoking by restricting smoking to designated areas.

The purpose of those bills is to prevent second-hand smoke from reaching nonsmokers in enclosed spaces. Well, the cabin of an airplane is a very small, enclosed space where nonsmokers are forced to passively smoke. Unlike a public building or a restaurant, they can't just walk out.

The National Academy of Sciences report of August 1986 found that separating smokers and nonsmokers in the airplane, did not prevent passengers and flight attendants from being exposed to significant amounts of cigarette smoke. The air space within an airplane is too small for such sectioning-off to do the job of protecting nonsmokers. The Academy recommended that smoking aboard domestic commercial flights be prohibited for health and safety reasons.

The Durbin-Young amendment is not a radical approach. In fact, it is quite reasonable to require smokers to refrain from smoking for 2 hours and thereby protect nonsmokers from, not only the general feelings of discomfort such as the irritation of itching, burning eyes, coughing, and headache, but also the dangerous health consequences that may result from exposure to tobacco smoke.

Surgeon General Koop released a study last year concluding that exposure to "second-hand smoke" substantially increases the risk of lung cancer and respiratory diseases in nonsmokers by 13 to 31 percent.

Preliminary data also suggests that exposure to tobacco smoke increases the risk for death from coronary heart disease.

More than three dozen States, hundreds of municipalities, and numerous private companies already have enacted policies to limit smoking both in public places and in the workplace.

We've heard about flying the friendly skies. Well, let's let passengers enjoy flying the smokeless skies.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the distinguished committee chairman, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, this is a bad amendment. It is offered in an improper fashion, and it should be rejected.

What has happened here is that a member of the Appropriations Committee lost in the committee. He then went to the Rules Committee and he got an amendment approved for offering at this time, and this is supposedly a piece of legislation which is a limitation on appropriations. Be that as it may, there are a number of defects.

Since 1798 this body has had a rule of germaneness. It was modified in 1822. The purpose has been to see to it that Members got a sufficient notice of the character and the quality and the type of legislative proposals that were coming before the body. There has never been a charge that the legislative committee which had jurisdiction over this matter has been dilatory in considering the legislation before us.

This is not a matter which was subject to any hearings in the Appropriations Committee. It is a matter on which no testimony has been heard. No health information has been received, and none of the official functions of this body have been applied to the consideration of this particular piece of legislation.

Now, lest there be any misunderstanding, I do not smoke, I do not like to smoke, and I do not like to travel on aircraft where smoking takes place.

Our committee, the Committee on Energy and Commerce, probably does not have jurisdiction over this matter. I believe it is something that would probably be referred to the Committee on Public Works and Transportation. Let it be clearly understood, however, that this legislation has never been considered in that particular part of the House, and it is something that should be considered there. The function of this legislation is to avoid the regular practices of this body and allow this body to decide whether or not it should rise rather than consider matters which, while perhaps not germane, are in fact not appropriate to consider in connection with this particular piece of legislation. The committee which would have jurisdiction over this matter is open and sitting. It is ready to do business on this matter.

A precedent is being established tonight that is extremely unwise in per-

mitting the Rules Committee, in a very high-handed and arrogant fashion, to place on this floor before this body a piece of legislation which has never been properly or fairly considered in a committee of proper jurisdiction.

Mr. DURBIN. Mr. Chairman, for purpose of debate only, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Chairman, I want to commend the gentleman from Illinois [Mr. DURBIN] for offering this amendment. It is, I think, a fine amendment.

It has been said tonight that there are those who do not want to smoke, and that is indeed true. I wonder how many Members here in this House have had the experience of going to the window, to the agent, and asking for a nonsmoking seat and found that they are all gone. I wonder how many Members have gotten on an airplane and seen the nonsmoking section just jammed with people sitting all over, with very few people sitting in the back. I think that is an indication that most Americans do not want to smoke when they are traveling. We need only look at the results. We can see what has already happened. The movement is already there. It is time for us to do something about this.

I used to smoke, and I think that I could do without a cigarette for 2 hours. Two hours is not a long period of time. It is fair for those who do not want to smoke on short trips, like going to Chicago or Cleveland or something like that. It would be a different thing entirely if we said there would be no smoking whatsoever.

Mr. Chairman, this is just a step. It is a good step, and we ought to vote for it.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong opposition to this amendment.

Let me say at the outset that I personally support a limitation on smoking on airline aircraft. I lost my left lung to cancer in 1983. Second-hand smoke is a threat to the health of many people, and it should be dealt with in the context of airline travel.

The Subcommittee on Transportation of the Committee on Appropriations and the full Committee on Appropriations have turned this amendment down. The approach embodied in this particular amendment perfectly illustrates what happens when we attempt to legislate on an appropriations bill without the benefit of committee hearings or committee process. The Committee on Public Works and Transportation has jurisdiction and the expertise in airline regulation, and it is totally inappropriate to address this important issue in this catch-as-

catch-can approach of a floor amendment to this appropriations bill.

In order to attempt to establish a veneer that this legislation is a condition and germane on an appropriations bill, the amendment says that none of the funds appropriated by this act may be made available for airport development and airport planning at any airport which permits any air carrier to provide scheduled air transportation between any such airport and any other airport; and it makes the director of your airport the regulator of smoking on aircraft.

In practice, this is unworkable and unenforceable, and it would not accomplish the protection of the public health that the offerer of the amendment seeks.

This amendment would require airports to find out flight schedules and determine which flights would be subject to the smoking regulations. How would an airport find out which flights take more than 2 hours? How would an airport find out whether an airline has been enforcing a no smoking rule?

Since we can hold hearings on this, we will hold hearings on the matter this fall. I hope the Members will reject this amendment offered by the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I yield myself 30 seconds.

The gentleman from California [Mr. MINETA] who just spoke is well versed, but I think when it comes to this issue, the bloom is off the rose.

How many times have we passed legislation compelling action by States and individuals by threatening to withhold Federal funds?

Let me add also that all the information necessary to enforce this act is readily available and presently on file. There are no new duties imposed, there are no new burdens on airports other than the requirement to file the contract of carriage with the Department of Transportation, which they already do.

Mr. Chairman, I yield 2 minutes, for the purpose of debate only, to the gentleman from New Jersey [Mr. TORRICELLI].

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

There was certainly a time when this amendment and this issue was not appropriate for this House. That was before we learned some things, and now this House or this Congress has no choice but to act, because all we need to know is this: we need no studies, no reports, simply this, which we already know: cigarette smoking kills, and now we know that passive smoking kills.

What else matters? Committee jurisdiction? Committee prerogatives? Let us weigh that against the scientific

evidence, the deaths we are already experiencing.

Mr. Chairman, I say to my colleagues that no vote could be more simple. Any Member of this House that walked onto an airplane and saw a small child or infant puffing on a cigarette would be appalled. Any member of this House that walked onto an airplane and saw an elderly citizen, someone stricken with disease, puffing on a cigarette would go up and warn them, tell them the consequences.

Vote against this amendment, and the consequences are just the same. Do not warn the child, do not tell the citizen, because you are telling them the same thing in just as simple terms. The success of this amendment is inevitable, perhaps not tonight, maybe not tomorrow, but we know that we are going to do it because we know the facts, we know the costs, and we have seen the suffering.

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So why not do it now, why not save all of the lives and all of the suffering that is going to happen in between. Let us do the right thing.

I commend the gentleman for his leadership. There are lives to be saved.

Mr. COUGHLIN. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from Kentucky [Mr. HOPKINS.]

Mr. HOPKINS. Mr. Chairman, I do not smoke and I do not promote smoking, but 57 million people in this country do smoke. I urge this body to reject this amendment because it goes about addressing the question of smoking in the wrong way.

The gentleman from Kentucky [Mr. NATCHER], the dean of our delegation, stated that this amendment was rejected in the Appropriations Subcommittee by a vote of 5 to 3. It was rejected by the full Appropriations Committee by a vote of 23 to 11. The same proposal was rejected by the Department of Transportation in February of this year, Mr. Chairman. And the gentleman from Kentucky, [Mr. ROGERS] stated that the Committee on Public Works and Transportation, which has jurisdiction over the issue, has not held hearings or taken any votes on this issue.

Mr. Chairman, the Congress ought to have a full airing of the issue and hear from the industry and the regulators before this House acts. The most compelling reason, in my view, for the House to reject this amendment, is simply because it is unworkable.

The gentleman from Texas [Mr. DELAY] said earlier that the issue is between the airlines and the regulator. What the gentleman's amendment succeeds in doing is putting airport administrators in the middle, people who have nothing to do with regulating air-

lines, and making them into policemen of the airlines. That is the FAA's job. I suggest we let them do it. Do not put people who have nothing to do with this question in the middle.

We owe our constituents better than this, and I think we can solve the airliner smoking question. I urge my colleagues to reject this amendment. Let us do our job properly, hold the hearings and decide the issue, Mr. Chairman.

Mr. DURBIN. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I concede the arguments on germaneness and on legislating in an appropriation bill and the appropriateness of the amendment in this kind of legislation. That is true, but those arguments miss the point.

The point is we are here to debate an issue of major national significance, and the only time often that we get to debate an issue of this kind is when an appropriation bill comes to the floor every year for our approval. We may not get the opportunity in authorizing legislation to deal with issues of this kind.

So the gentleman from Illinois has given us a rare opportunity to debate a major, major national health issue.

A study by the National Research Council under the National Academy of Sciences found eight major problems in the airliner cabin environment. Environmental tobacco smoke is just one of them. But it is the biggest and it is the most significant.

It is uncontestable that smoking causes cancer, heart disease, stroke and a range of other illnesses. It is all right if a person chooses to smoke on his or her own time, but it is wrong for this individual to inflict that health risk upon other people, particularly when they are trapped in an airliner cabin.

Thirty percent of the airliners in this country as late as 1985 used recirculated air. The rest used a mixture of recirculated air and air from the outside, cleansing it and expanding it and adding oxygen to it. By 1990 and beyond, more than 60 percent, maybe 70 percent, of all aircraft will use recirculated air. That means that tobacco smoke is going around and around in the cabin in which you are sitting, slightly cleansed, but not completely, and you will be subjected to more damaging effects of environmental tobacco smoke.

A flight attendant told me recently that this is my workplace, this is where I make a living. She should not have to be subjected to environmental tobacco smoke against her will.

Mr. COUGHLIN. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Illinois. This amendment would ban smoking on airline flights of less than 2 hours by use of one very large Federal stick: Federal funding to an airport would be prohibited if that airport provided service to commercial aircraft which permitted smoking on flights longer than 2 hours. I can think of many reasons to oppose the amendment but would like to mention just a few.

First, the issue is a complex one that should not be legislated through the appropriations process or before further analysis is undertaken. The Public Works and Transportation Committee, which has jurisdiction on this issue, has not looked at the proposal in depth. Until congressional review is complete, actions such as those proposed by the Durbin amendment are premature.

In addition, the Department of Transportation, recognizing the complexity of the issue, in February 1987 called for more study, including consideration of technological solutions and ventilation system modifications. Since then, DOT has requested funding for such a study, and is circulating a request for proposals to conduct one.

Many who have looked extensively at this issue oppose the gentleman's amendment. As you know, the Transportation Appropriations Subcommittee and the full Committee on Appropriations have rejected this amendment. In 1984, the Civil Aeronautics Board considered and rejected a similar proposal. The Board also noted concern that a smoking ban could create an onboard fire hazard, by encouraging surreptitious smoking, especially in lavatories.

Finally, that amendment could present serious and unnecessary administrative problems to airlines and airport administrators, who would be forced to hire additional personnel to ensure compliance or risk loss of \$613 million in airport development funds. The Civil Aeronautics Board cited similar administrative problems in its 1984 report.

Mr. Chairman, for these and other reasons, I urge my colleagues to reject this amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I am happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I could not pass up the opportunity to join with the distinguished chairman of the Appropriations Committee in insisting that an appropriation bill is not the place to enact legislation, that legislation should be considered in its proper forum with due and proper consideration in the legislative committees. So I would urge my friends that tonight, and on every appropriation bill hereafter, that we heed the

words of our distinguished chairman of the Appropriations Committee and that we work with the legislative committees in enacting legislation that properly should be in the legislative committees.

Therefore, I would hope that this issue be considered in due form and in proper order in the committee whence it belongs.

Mr. COUGHLIN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, I ask my colleagues to consider the results of a poll conducted by the Airline Pilots Association on the issue of smoking aboard aircraft.

By a margin of 87 to 12 percent, the respondents agreed that the current practice of separating smoking and nonsmoking passengers is a reasonable policy that respects the rights of each.

While some argue here tonight about procedure, let us not ignore the fact that this amendment is another direct attack upon the tobacco farmers and the tobacco industry which gives an income to hundreds of thousands of Americans and in turn provides multimillions of dollars in tax dollars to our Federal and State governments.

Just 3 years ago, the Civil Aeronautics Board decided against a smoking ban on flights of 2 hours or less because it would pose an administrative nightmare for airlines and passengers.

There is no reason to believe the administrative problems would be any less severe today. In fact, they could be worse because airline delays on the ground now are stretching "2-hour" scheduled flights into trips of 4 or more hours.

I ask my colleagues to vote "no" on the Durbin-Young amendment.

Mr. DURBIN. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, in 1986 lung cancer became the No. 1 killer in America replacing breast cancer. That was for the first time in the history of our country, and it is going to go up every single year.

The bills that we consider here with regard to catastrophic health insurance, long-term medical health insurance for the people of our country are largely being considered so that we can pay for the cancers that people are going to contract, lung cancer, because the bulk of the diseases which we are contracting in this country in this modern era are behavioral diseases. We have been able to cure most of the diseases which we all knew in our childhood. Now it is diseases which we give to ourselves.

The Surgeon General's report last year on passive smoking shows that people who are in homes or workplaces with substantial exposure have

a higher rate of lung cancer, and their children have a higher rate of colds, bronchitis and other respiratory problems than other people in our society. People are at risk for increased susceptibility to these diseases, and it has been confirmed by the Surgeon General's report.

It is our responsibility to act and to act responsibly to ensure that we do not expose those who do not want to be exposed to it or have their families exposed to it to have these types of diseases brought upon themselves. For those who want to run the risk, that is their choice. For those who do not, and that is two-thirds of all the people who fly, they and their families should not have to run that risk.

I believe that 2 hours is not an unduly long period of time to ask a smoker to refrain from smoking. They can do it if they want. They can do it if they have the willpower.

If they do not have that kind of willpower, then it is an unfortunate, an unnecessary and an unconscionable burden for them to place upon others to have to, in fact, shoulder the responsibility of their own health and their families' health and to, in fact, have those long-term health consequences visited upon those families.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I rise in strong opposition to the Durbin amendment. This amendment should be rejected for several reasons. First, this amendment represents an attempt to legislate on an appropriations bill concerning a subject that the authorizing committee has not held hearings on. This amendment was rejected by both the full Appropriations Committee and the Transportation Appropriations Subcommittee. We shouldn't even be considering this amendment. The waiver under which this amendment is made in order was opposed by both the chairman of both the Appropriations Committee and the authorizing committee.

Second, the amendment will present serious administrative problems to airlines and to airport administrators, who would be forced to hire additional airport personnel to ensure compliance or risk loss of \$613 million in airport development funds. Mr. Chairman, not only does this amendment use the procedural back door, it uses the substantive back door. What this amendment would do is place the burden of enforcing this ill-conceived provision on the airports by directing the Secretary to withhold airport development funds from any airport that does not enforce its provisions.

Third, in 1984 a Civil Aeronautics Board considered and rejected a similar proposal, citing administrative problems. The Board also expressed concern that a smoking ban could

create an onboard fire hazard, by encouraging surreptitious smoking, especially in lavatories. National Transportation Safety Board [NTSB] records of U.S. airline fire investigations indicate that none have been positively determined to have been smoking related. As TriData Corp., a noted fire safety consulting firm, noted "With current FAA regulations the chance of fires from smoking is very low. In our opinion, there is no reason to curtail smoking on board aircraft as a fire prevention method."

Finally, the sponsors of this amendment like to point to the Surgeon General's Report on Involuntary Smoking to support their call for a ban.

Mr. Chairman, the press statements, conclusions, and the research in the Surgeon General's report say two different things. The Surgeon General's Report concludes "Involuntary Smoking is a cause of disease, including lung cancer, in healthy nonsmokers." [SG's Report, Dec. 16, 1986, p. vii.] Yet, what does the Surgeon General's own research show? On page 101, the Surgeon General's own report, in discussing lung cancer, says, and I quote, "Risk associated with involuntary smoking exposure is uncertain. Important questions related to [ETS] exposure require further research. More accurate estimates for the assessment of environments are needed."

Five pages earlier, "(L)ittle is known about the magnitude of the [ETS] exposures that occur in different segments of the U.S. population. A better understanding of the exposures that are actually occurring in the United States, and of past exposures, would be needed to accurately assess the risk for the U.S. population." [SG's Report, Dec. 16, 1986, pp. 96-97.]

On the subject of acute respiratory illness, "There are no studies of acute respiratory illness experience in adults exposed to environmental cigarette smoke." [SG's Report, Dec. 16, 1986, p. 60.]

Mr. Chairman, the list goes on and on. The bottom line is that there is no significant scientific evidence to support the assertion that environmental tobacco smoke is harmful to nonsmokers.

According to a survey by the Airline Pilots Association, by a margin of 87 to 12 percent, the respondents agreed that the "current practice of separating smoking and nonsmoking passengers is a reasonable policy that respects the rights of each."

Mr. Chairman, I agree, and I urge my colleagues to reject this amendment.

The CHAIRMAN. The Chairman will note that the gentleman from Pennsylvania [Mr. COUGHLIN] has 7 minutes remaining and the gentleman from Illinois [Mr. DURBIN] has 5½ minutes remaining.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

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

Mr. Chairman, I probably fly as frequently on flights less than 2 hours in duration as any Member in the House. During the last 2½ years that I have flown these flights not one person has complained to me about smoking being permitted during these flights.

No pun intended, but smoking during flights is not a burning issue. Airline passengers, as has been pointed out earlier, are concerned about crowded circumstances, irregular service and flight delays.

Mr. Chairman, it seems clear to me that airline smoking bans already have been thoroughly considered and rejected by the Federal Aviation agencies and by airline passenger surveys. This field has been previously plowed. It does not need to be plowed again tonight.

This is an amendment whose time has not come, and I urge my colleagues to defeat it this evening.

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Mr. DURBIN. Mr. Chairman, for purposes of debate only, I yield 15 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

Because of the controversy over the 2-hour time limit, I will be proposing an amendment to the gentleman's amendment to increase that time span to 4 hours at the conclusion of the debate.

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I rise in strong opposition to the Durbin amendment. Not only is it an attempt to legislate on an appropriations bill but what is worse is that it is horrible legislation.

There is no need for this legislation and if there were a need for it, this would not be the way to do it.

All major inflight tests of tobacco smoke conducted since 1971 have concluded that the amount of cigarette smoke detected in actual commercial flights is extremely small, posing no demonstrated risk to nonsmoking passengers or flight personnel. The vast majority of airline passengers feel that the current policy of separating smokers from nonsmokers is a reasonable policy.

There is, obviously, no need for this amendment outlawing smoking in flights under 2 hours in duration. It is simply another ill advised kick at the tobacco industry.

And even if there were any justification for legislation to further restrict smoking on airlines, this would be the worst way possible to do it. This amendment would require airports to become law enforcement agents, policing the aisles of the airplanes enroute to and from their airports.

I don't know about the airports around the country but I do know that the airports in northern Kentucky and Louisville do not have the personnel to send out smoke sniffers on every airline coming into and leaving their facilities to make sure that airlines are complying with some new nonsmoking rule.

Mr. Chairman, this is bad legislation. It is totally uncalled for and I urge my colleagues to reject it out of hand.

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DANIEL].

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

Mr. Chairman, I grew up on a tobacco farm, but I never smoked a cigarette in my life. I do not know whether tobacco smoking is harmful to ones health or not.

Let me give you two examples. I am the only member of my family who never smoked and the only one who ever had lung trouble.

My grandmother, on the other hand, smoked all her life. She lived 99 years and 11 months. I do not know whether cigarette smoking killed her or not. It may have been fat meat that she was eating.

But that is not the issue so far as I am concerned. The issue is individual rights. It seems to me that under our Constitution, under our form of government, our philosophy, that if a person wants to smoke, they have the right to do that.

Mr. Chairman, I hope very much that this amendment will be defeated.

Mr. DURBIN. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Ohio [Mr. DONALD E. LUKENS].

Mr. DONALD E. LUKENS. Mr. Chairman, I hope that Congress catches up with the people of the United States. I rise in strong support of the Durbin amendment.

Standing before you is a victim of other people's smoke. I had classic cancer, smoker's cancer, six times. I have a 16-inch scar, a 14-hour operation. It is not a pleasant experience to go through, but I know, and all my surgeons agree, that I caught cancer through other people's smoke.

I tell you tonight, the best thing you can do, because the people of America are already doing it, is to follow the leaders out there.

Now, you may defeat this on this day, but it is coming and its time is due. We must have no smoking at all some day in airplanes, but I will settle for 2 hours now.

Mr. COUGHLIN. Mr. Chairman, I yield one minute to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, if I had known that I would be cut to 1 minute, I would have been close to the front when they called my name.

I know just about everything that can be said on this issue has been said and it is late at night. I know you get tired probably of hearing, "Well, here come the tobacco boys again."

We are defending people who grow this weed that is so controversial.

All I am here to ask of my colleagues is that we have our day in court, that we have an opportunity to hear the evidence, and all the evidence, because what this amendment will do is to put us in the absurd situation where you can go to an airport and you can smoke all the cigarettes you want as you are waiting for the airplane, but you cannot drink any whiskey. You get on the airplane and you cannot smoke any cigarettes, but you can drink all the whiskey that you want.

Now, if we are going to start controlling everybody's habits, let us take the time to make an inquiry really about this business of passive smoking and let us get down to some of these other things that offend people.

Mr. TOWNS. Mr. Chairman, I must rise in opposition to this amendment. First, this issue has not been addressed by the committee with jurisdiction over this matter. As a member of the Subcommittee on Aviation, I strongly believe that this issue should be the subject of extensive hearings prior to any legislative floor action.

Second, this amendment would require that the Nation's airports control the policies of individual airlines. Clearly, this is an inappropriate function for our airports. Finally, this initiative was raised in the Appropriations Subcommittee and full committee. The Civil Aeronautics Board also considered this issue. On all the above occasions, this effort was rejected. I urge my colleagues today to oppose this amendment because it is unfair to our Nation's airports and because it is an issue which should be the subject of hearings in the Subcommittee on Aviation.

Mr. DURBIN. Mr. Chairman, in closing the debate, first let me thank my cosponsor, the gentleman from Florida [Mr. YOUNG]. It has been an honor to work with him on this important issue, and my chairman, the gentleman from Florida [Mr. LEHMAN], who has shown I think extraordinary patience with this debate.

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

Mr. DURBIN. I yield to my colleague, the gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank my friend for yielding to me.

Mr. Chairman, I rise in support of the amendment offered by my colleagues Representative DURBIN and Representative YOUNG. The dangerous effects of passive smoke are well documented. The Surgeon General has re-

ported that passive smoking is responsible for approximately 2,400 lung cancer deaths annually. Yet, the Federal Government has done virtually nothing to protect the health and indeed the lives of these innocent victims of other peoples' smoking habits.

It is common sense that the deadly effects of passive smoking are pronounced on board airplanes, where both space and ventilation are limited. However, if common sense is not enough to provoke action, there are studies which clearly demonstrate that smoke-polluted airplane cabins jeopardize the health of all passengers and employees on board.

An August 1986 report of the National Academy of Sciences recommends for both health and safety reasons, that all smoking aboard domestic commercial flights be prohibited. The report found that the separation of smokers and nonsmokers aboard airplanes does not prevent smoke exposure to all passengers and flight attendants. Smokers may comply with restrictive seating regulations—but their cigarette smoke knows no boundary.

Despite overwhelming evidence and public protest, DOT has refused to take regulatory action. Therefore, we must act to protect the rights and the health of all travelers—smokers and nonsmokers alike.

I urge my colleagues to support this amendment.

Mr. DURBIN. Mr. Chairman, I hope my colleagues have listened closely to this debate, because if you have listened closely, you have found what I found in the subcommittee and in the full committee.

It was very difficult to focus the debate on the merits of the issue. We have heard a lot said about committee jurisdiction, about the need for study, about the fact that this is the wrong time, the wrong place, and if we could just get some more research, if we had another committee look at it, if we could wait a couple more years; but what you did not hear was anyone standing before you in this House Chamber attempting to refute the obvious.

As the gentleman from New Jersey [Mr. TORRICELLI] said, passive smoking kills. It has been said by our Surgeon General. It has been said by the National Academy of Sciences.

Are we going to stand here in this spacious Chamber, where smoking is prohibited, and say to those Americans who use the airlines, "It's safe for you to sit in that airline chamber, smoky as it might be, with poor ventilation."

We know better, and tonight we can do something about it.

Let me just suggest to you that this is a deadly serious issue. The flight attendants who have sat through this

debate and who 60,000 strong stand behind this amendment, have told me stories which if they affected your daughters or sons would be enough for you to vote yes on this amendment, stories of people crippled and burdened and diseased because we failed to act.

Take that story about jurisdiction to the bedside of someone gasping for breath and tell them, "We just need a little more time."

We do not need more time. We need determination and will and we need to pass this amendment this evening.

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

Mr. COUGHLIN. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I rise in opposition to this amendment.

In a very few short days tobacco farmers in the South will be selling their tobacco. Passage of this amendment will depress that market significantly, resulting in many more pounds of tobacco being bought by the Stabilization Corp.

This is not the time to pass such legislation, but rather it should go the normal route of all legislation and go before the authorizing committee for consideration. Otherwise, we will have a situation where the farmer will not get this year for his crop what he should, on top of the already serious problems caused by drought.

Mr. Chairman, I urge, therefore, a vote against this amendment.

Mr. COUGHLIN. Mr. Chairman, I think it is obvious at the end of a long night that this amendment is in the wrong place. It has had no hearings. It is clearly legislation. This is the wrong way to do it. All the procedural questions that have been brought up here that need to be explored, the factual questions that need to be explored before adopting an amendment like this.

The author of the amendment said that there were no substantive reasons to oppose the amendment. Well, indeed, there are. The airline pilots are violently opposed to this amendment because they very much fear that some passenger would dispose of a cigarette in the waste can in the washroom or otherwise cause an incident aboard a plane.

Mr. Chairman, this amendment was rejected in the subcommittee. It was rejected in the full committee and it should be rejected by this body because we do not know enough about it to do it in this way at this time.

Mr. Chairman, I urge the Members to reject the amendment, to treat this in the proper way, through the proper committee structure, through the proper hearings, and craft an amendment and craft a system that will indeed protect the public and protect

the public in a myriad of ways as this Congress can do.

Mr. Chairman, we should reject the amendment.

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

The CHAIRMAN. All time has expired.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA TO THE AMENDMENT OFFERED BY MR. DURBIN

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana to the amendment offered by Mr. DURBIN: In the proposed amendment on line 17, strike "two hours" and insert in lieu thereof "four hours".

Mr. BURTON of Indiana. Mr. Chairman, there are some Members of this body who think that if we are going to do the job correctly, we should make sure that Transcontinental flights are covered as well, and 4 hours would take care of that.

There have been a number of issues raised tonight. I want to start off by telling a little story. Last week during the 4th of July recess, I took my son and a neighbor boy on a trip down to Florida. Our flight out of National Airport was canceled for 6 hours, which I guess is becoming quite a common occurrence, and they had to put a bunch of people that were on two planes on one plane. So my son and his friend and his father had to take seats where we could get them on the plane. That meant we had to sit in the smoking section. None of us smoked and one of them had a lung condition, and for 4 hours we sat on the runway and flew to Miami and had to breathe that smoke.

Now, do not tell me that was not hazardous to their health and to my health and it certainly was a disconcerting experience.

Now, another thing. It has been brought up here that people drink on airplanes and that could cause problems, but that is not endangering somebody else's health on the airplane. You may not like their breath, but it certainly is not going to kill you.

Now, I have a lot of friends from tobacco States. My wife is from Kentucky, a big tobacco State. I was just down there this weekend. I certainly do not want to do anything to hurt the economies of those States, but I cannot honestly believe that people not smoking on a plane is going to hurt those States' economies. When they get off the plane, the first thing they are going to do is light up a cigarette and probably two or three in a row to make up for what they missed on the plane, so it is not going to hurt the economies of those States.

Now, let me just point out tonight that a lot of my honorable colleagues who have spoken in the well speak be-

cause their hearts are in a tobacco package. They smoke. A lot of them are from tobacco States and they are concerned about their constituents, and I understand that, and a lot of the committee chairmen who are concerned about their power base do not want us to infringe upon their jurisdiction by having this come out in an appropriation bill; but the bottom line is, this is a health issue. People are dying from cancer of the lung. They are dying from emphysema. They are dying from heart disease caused by smoke and secondary smoke and we have to do something about that.

I care about my son and when I go on a trip with him, I want him to breathe fresh air, if possible. I certainly do not want to sit in the smoking section; but even if we sat in the front of the plane, he would be breathing that smoke, because the ventilating systems simply are not adequate to get all those contaminants out of that tube that we have to fly in.

Now, I think that we ought to have a total ban on smoking on airplanes because of the confined area that we have to live in during that 2, 3, 4 or 5 hour flight, so my amendment simply expands the time period from 2 hours to 4 hours.

Mr. Chairman, I hope all of you will think about this. Search your hearts and minds and think about your fellowman. If you want to smoke, if you want to endanger your life, that is your prerogative, but do you have the right to endanger the lives and health of other people, other human beings who do not want to breathe that stuff?

I do not think you sincerely feel that you have that right. If you really believe that in your hearts, you should vote for this amendment.

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

Mr. Chairman, this is not a memorable night in the House of Representatives. I hope some of you will read the CONGRESSIONAL RECORD tomorrow. This night has been filled probably with more cliches and tokenism than we have seen in a long, long time. We had the cliche of the camel's nose under the tent that was brought up in a number, paraphrasing from some of my colleagues; the abhorrence to legislating on appropriation bills from some of my colleagues who have made careers out of legislating on appropriation bills; the idea that the substantive concern is such that technology today cannot solve the problem. We can give them nicotine gum. We can give them nicotine liqueur. We can give them a cold tar sandwich. There are plenty of things that we can do from a technological point of view to meet that craving, other than have them smoke on an airplane.

Frankly, I am sorry to say that the amendment of my colleague, the gentleman from Illinois, is also tokenism.

□ 2240

Two hours does not do much good. It seems to me that the jury is not out.

If you will examine a flight of 2 hours, it does not really provide the American people with what I consider the absolute minimum in terms of an acceptable amendment; and that is, someone ought to be able to fly from coast to coast with minimum inconvenience to themselves, and I would say that would constitute one stop.

The amendment of the gentleman from Illinois would require four stops to be able to go from coast to coast on a plane that was designated nonsmoking, so I think the gentleman's amendment is an excellent amendment.

It will not ban transcontinental smoking, but it will allow someone, with some inconvenience to themselves, to be able to fly coast to coast with nonsmoking.

That nose under the camel's tent, if he were in the airplane I flew last night, the smoking would have been banned, because we do not allow animals in that kind of an environment.

The antivivisectionists would be out there in the lobby screaming at the Members in terms of the way we treated that animal, but we treat our relatives and our loved ones with total indifference.

I say, support the amendment of the gentleman from Indiana.

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

I just have to tell some of the Members that are so concerned about being placed in smoking sections, you may require that that section be made nonsmoking if you complain; and it is to be made so. If they do not, you should turn them in to the FAA, so the gentleman from Indiana could have complained about it. If they did not do it, they would have been brought before the FAA.

There are a couple of studies in my presentation; I did not get to present them. I want the Members to know that, and it is not that I am saying that passive smoke is dangerous or not dangerous. I am saying take a look and try to be objective and look at the studies that have been done.

The gentleman from Illinois and other Members have. If the Members read these studies from the Surgeon General and the National Academy of Sciences, I would like also to quote from the National Academy of Sciences:

The available empirical evidence is of insufficient quality and quantity for a scientific evaluation of airliner cabin air or of the probable health effects of short or long exposure to it.

That is from the National Academy of Sciences study, and they admit that

they make conclusions based on bad data.

From the Surgeon General with regards to lung cancer, on page 101 it says:

The risk associated with involuntary exposure are uncertain and requires further research. More accurate estimates for effects in the home, workplace and other environments is needed.

Page 96,

Little is known about the magnitude of exposure that occur in different segments of U.S. population. Better understanding of exposures that are actually occurring in the U.S. and of past exposures would be needed to accurately access the risk for the U.S. population.

With regard to acute respiratory illness, on page 60, "There are no studies of the acute respiratory illness experience of adults exposed to environmental cigarette smoke."

With regard to pulmonary function, on page 62, "The physiologic and clinical significance of small changes in pulmonary function found in some studies of adults remains to be determined."

So all these studies that have been quoted saying it is a terrible hazard to their health care based upon data that yet needs to be determined.

We need to study this. We need better data. We need data that can ultimately give us reason to act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON] to the amendment offered by the gentleman from Illinois [Mr. DURBIN].

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

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 193, not voting 42, as follows:

[Roll No. 264]

AYES—198

Alexander
Anderson
Andrews
Archer
Atkins
AuCoin
Baker
Barnard
Bates
Beilenson
Bennett
Bereuter
Berman

Boland
Boulter
Boxer
Brennan
Broomfield
Burton
Byron
Campbell
Cardin
Chandler
Coleman (MO)
Collins
Courtner

Dannemeyer
Daub
Davis (IL)
Davis (MI)
Dellums
DeWine
Dicks
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin

Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Florio
Ford (TN)
Frank
Frenzel
Gallegly
Gejdenson
Gekas
Gibbons
Gilman
Glickman
Gooding
Gradison
Gray (IL)
Guarini
Hall (OH)
Hansen
Hayes (IL)
Hefley
Henry
Hertel
Hochbrueckner
Hoyer
Hutto
Hyde
Ireland
Jacobs
Johnson (CT)
Johnson (SD)
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kliczka
Kolbe
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Lehman (CA)
Leland

Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lipinski
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McHugh
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Moakley
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrizek
Murphy
Nelson
Nielsen
Nowak
Oberstar
Owens (UT)
Packard
Panetta
Pease
Pelosi
Penny
Pepper
Petri
Pickett
Porter
Price (IL)
Pursell
Rangel
Ravenel
Regula

NOES—193

Akaka
Anthony
Applegate
Army
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior (MI)
Borski
Boucher
Brooks
Brown (CO)
Bruce
Buechner
Bunning
Bustamante
Callahan
Carper
Carr
Chapman
Chappell
Clarke
Clinger
Coats
Coble
Coelho
Coleman (TX)
Combest
Conte
Coughlin
Coyne
Craig
Crane
Daniel
Darden
de la Garza
DeFazio
DeLay
Derrick
Dickinson
Dingell
Dixon
Dowdy
Duncan
Dwyer
Dymally
Dyson
Early
Emerson
Espy
Fields
Flippo
Foley
Ford (MI)
Gallo
Gaydos
Gingrich
Gonzalez
Gordon
Grandy
Grant
Green
Gregg
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (LA)
Hefner
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Inhofe
Jeffords
Jenkins
Jones (NC)
Jones (TN)
Kanjorski
Kastenmeier
Kotler
Konnyu
Kyl
Lancaster
Leath (TX)
Lehman (FL)
Lewis (CA)
Lewis (GA)
Lightfoot
Lloyd
Lott
Lujan
Mack
Manton
Martin (IL)
Martin (NY)
McDade
McGrath
McMillan (NC)

McMillen (MD)	Robinson	St Germain
Michel	Rogers	Staggers
Mineta	Rose	Stangeland
Molinari	Roth	Stokes
Mollohan	Rowland (GA)	Stump
Murtha	Sabo	Sundquist
Myers	Saiki	Sweeney
Nagle	Saxton	Swift
Natcher	Schuetz	Tallon
Neal	Schulze	Taylor
Nichols	Sharp	Thomas (GA)
Oakar	Shaw	Trafficant
Obey	Shuster	Traxler
Olin	Sisisky	Upton
Ortiz	Skaggs	Valentine
Oxley	Skeen	Vander Jagt
Parris	Skelton	Volkmer
Pashayan	Slaughter (VA)	Vucanovich
Patterson	Smith, Denny	Walker
Perkins	(OR)	Watkins
Pickle	Smith, Robert	Weldon
Price (NC)	(OR)	Whitten
Quillen	Snowe	Williams
Rahall	Solomon	Wise
Rhodes	Spence	Wortley
Roberts	Spratt	Young (AK)

NOT VOTING—42

Ackerman	Edwards (OK)	McEwen
Anunnzio	Flake	Miller (OH)
Aspin	Foglietta	Owens (NY)
Boner (TN)	Frost	Ray
Bonker	Garcia	Roe
Bosco	Gephardt	Roemer
Brown (CA)	Gray (PA)	Rostenkowski
Bryant	Gunderson	Scheuer
Cheney	Hawkins	Schumer
Clay	Howard	Tauzin
Conyers	Kemp	Towns
Cooper	Livingston	Vento
Crockett	Madigan	Wilson
DioGuardi	McCandless	Wylie

□ 2250

The Clerk announced the following pairs:

On this vote:

Mr. Scheuer for, with Mr. Howard against.
Mr. Vento for, with Mr. Boner of Tennessee against.

Mr. Cheney for, with Mr. Gunderson against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. COELHO] having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2890) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1988, and for other purposes, had directed him to report the bill back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. WALKER. Mr. Speaker, I ask for a separate vote on the Lehman of Florida amendment on page 5 of the bill.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 5, line 9, strike "\$1,849,400,000" and insert "\$1,879,400,000".

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 282, noes 108, not voting 43, as follows:

[Roll No. 265]

AYES—282

Akaka	Clinger	Foley
Alexander	Coats	Ford (MI)
Anderson	Coelho	Frank
Andrews	Coleman (MO)	Gallo
Anthony	Coleman (TX)	Gaydos
Applegate	Collins	Gejdenson
Atkins	Conte	Gekas
AuCoin	Coughlin	Gibbons
Barnard	Courter	Gilman
Bateman	Coyne	Glickman
Bates	Darden	Gonzalez
Beilenson	Daub	Goodling
Bennett	de la Garza	Gordon
Bentley	DeFazio	Grant
Bereuter	DeLay	Gray (IL)
Berman	Dellums	Green
Bevill	Derrick	Guarini
Biaggi	Dickinson	Hall (OH)
Bilbray	Dicks	Hamilton
Boehlert	Dingell	Hammerschmidt
Boggs	Dixon	Harris
Boland	Dorgan (ND)	Hatcher
Bonior (MI)	Dowdy	Hayes (IL)
Borski	Downey	Hayes (LA)
Boucher	Durbin	Hefner
Boxer	Dwyer	Henry
Brennan	Dymally	Hertel
Brooks	Early	Hochbrueckner
Bruce	Eckart	Horton
Bustamante	Edwards (CA)	Hoyer
Byron	English	Huckaby
Callahan	Erdreich	Hyde
Campbell	Espy	Jeffords
Cardin	Evans	Jenkins
Carper	Fascell	Johnson (CT)
Carr	Fazio	Johnson (SD)
Chandler	Feighan	Jones (NC)
Chapman	Fish	Jones (TN)
Chappell	Flippo	Jontz
Clarke	Florio	Kanjorski

Kaptur	Myers	Sikorski
Kasich	Nagle	Sisisky
Kastenmeier	Nelson	Skaggs
Kennedy	Nichols	Skeen
Kennelly	Nowak	Slattery
Kildee	Oakar	Slaughter (NY)
Kleczka	Oberstar	Slaughter (VA)
Kolbe	Obey	Smith (FL)
Kolter	Olin	Smith (IA)
Kostmayer	Ortiz	Smith (NE)
LaFalce	Owens (UT)	Smith (NJ)
Lantos	Packard	Snowe
Lehman (CA)	Panetta	Solarz
Lehman (FL)	Parris	Spence
Leland	Pashayan	Spratt
Lent	Patterson	St Germain
Levin (MI)	Pease	Staggers
Levine (CA)	Pelosi	Stallings
Lewis (CA)	Penny	Stangeland
Lewis (GA)	Pepper	Stark
Lowery (CA)	Perkins	Stokes
Lowry (WA)	Pickett	Stratton
Luken, Thomas	Pickle	Studds
MacKay	Porter	Swift
Manton	Price (IL)	Synar
Markey	Price (NC)	Tallon
Marlenee	Pursell	Thomas (GA)
Martin (NY)	Quillen	Torres
Martinez	Rahall	Torricelli
Matsui	Rangel	Trafficant
Mavroules	Ravenel	Traxler
Mazzoli	Regula	Udall
McCloskey	Richardson	Upton
McCollum	Ridge	Vander Jagt
McCurdy	Rinaldo	Visclosky
McGrath	Ritter	Walgren
McHugh	Rodino	Watkins
McMillen (MD)	Roth	Waxman
Meyers	Roukema	Weber
Mfume	Rowland (CT)	Weiss
Mica	Rowland (GA)	Weldon
Miller (CA)	Roybal	Wheat
Miller (WA)	Russo	Whittaker
Mineta	Sabo	Whitten
Moakley	Saiki	Williams
Molinari	Savage	Wise
Mollohan	Sawyer	Wolf
Montgomery	Saxton	Wolpe
Morella	Schaefer	Wortley
Morrison (CT)	Schneider	Wyden
Morrison (WA)	Schroeder	Yates
Mrazek	Sharp	Yatron
Murphy	Shaw	Young (AK)
Murtha	Shuster	Young (FL)

NOES—108

Archer	Gregg	Moody
Armey	Hall (TX)	Moorhead
Badham	Hansen	Natcher
Baker	Hastert	Neal
Ballenger	Hefley	Nielson
Bartlett	Herger	Oxley
Barton	Hiler	Petri
Billrakis	Holloway	Rhodes
Bliley	Hopkins	Roberts
Boulter	Houghton	Robinson
Broomfield	Hubbard	Rogers
Brown (CO)	Hughes	Rose
Buechner	Hunter	Schuetz
Bunning	Hutto	Schulze
Burton	Inhofe	Sensenbrenner
Coble	Ireland	Shumway
Combest	Jacobs	Skelton
Craig	Konnyu	Smith (TX)
Crane	Kyl	Smith, Denny
Daniel	Lagomarsino	(OR)
Dannemeyer	Lancaster	Smith, Robert
Davis (IL)	Latta	(NH)
Davis (MI)	Leach (IA)	Smith, Robert
DeWine	Leath (TX)	(OR)
Donnelly	Lewis (FL)	Solomon
Dornan (CA)	Lightfoot	Stenholm
Dreier	Lipinski	Stump
Duncan	Lloyd	Sundquist
Dyson	Lott	Sweeney
Emerson	Lujan	Swindall
Fawell	Lukens, Donald	Tauke
Fields	Lungren	Taylor
Frenzel	Mack	Thomas (CA)
Galleghy	Martin (IL)	Valentine
Gingrich	McDade	Volkmer
Gradison	McMillan (NC)	Vucanovich
Grandy	Michel	Walker

NOT VOTING—43

Ackerman	Flake	Miller (OH)
Annunzio	Foglietta	Owens (NY)
Aspin	Ford (TN)	Ray
Boner (TN)	Frost	Roe
Bonker	Garcia	Roemer
Bosco	Gephardt	Rostenkowski
Brown (CA)	Gray (PA)	Scheuer
Bryant	Gunderson	Schumer
Cheney	Hawkins	Tauzin
Clay	Howard	Towns
Conyers	Kemp	Vento
Cooper	Livingston	Wilson
Crockett	Madigan	Wyllie
DioGuardi	McCandless	
Edwards (OK)	McEwen	

□ 2320

The Clerk announced the following pairs:

On this vote:

Mr. Howard for, with Mr. Roemer against.
Mr. Gunderson for, with Mr. Cheney against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON ECONOMIC STABILIZATION OF THE COMMITTEE ON BANKING FINANCE AND URBAN AFFAIRS TO SIT TOMORROW DURING THE 5-MINUTE RULE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs be allowed to sit tomorrow during the 5-minute rule. We have approval from the minority, and we make that request.

The SPEAKER pro tempore (Mr. COELHO). Is there objection to the request of the gentlewoman from Ohio? There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2906, MILITARY CONSTRUCTION APPROPRIATION, 1988

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-217) on the resolution (H. Res. 222) waiving certain points of order against consideration of the bill (H.R. 2906) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1988, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2907, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION, 1988

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-218) on the resolution (H. Res. 223) waiving certain points of order against consideration of the bill (H.R. 2907) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1988, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

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

Mr. HOWARD. Mr. Speaker, on rollcall votes 254 through 258 I was unable to be present due to personal business elsewhere. Had I been present I would have voted "yea" on rollcall vote 254, "present" on rollcall vote 255, "aye" on rollcall vote 256, "present" on rollcall vote 257, "nay" on rollcall vote 258.

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

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. DORNAN of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PHYSICIAN RETESTING: A WAY TO HELP IMPROVE THE QUALITY OF MEDICAL CARE AND REDUCE THE COSTS OF MALPRACTICE INSURANCE

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

Mr. STARK. Mr. Speaker, one of the best ways we could reduce the cost of malpractice insurance is to have less malpractice in this country—and one of the best ways to do that is to periodically retest physicians to ensure that they are up-to-date on the latest practice and have retained their competency.

Enclosed is a portion of a recent article by Benjamin Shimberg, Ph. D., in the June, 1987 issue of The Federation of State Medical Boards. The following portions of the article, entitled "Assuring the Continued Competence

of Health Professionals," makes a telling case for the idea of retesting:

ASSURING THE CONTINUED COMPETENCE OF HEALTH PROFESSIONALS

(By Benjamin Shimberg, Ph.D.)

I had a strange experience the other night. I had been reading Alice in Wonderland to my granddaughter. Somehow, Alice managed to get inside of my head after I had gone to sleep. I was surprised to hear her speaking to me.

"I hear you are an expert on licensing. Tell me, why do we have licensing anyway?"

I did not have to think long for an answer. "Everyone knows that we have licensing to protect the public from incompetents, crooks, and charlatans," I replied.

"And how, exactly, does licensing protect the public?" she asked.

"That is easy," I replied. "There are boards that screen people who want to practice an occupation. They check such things as the people's education, training and experience. They also require the people to pass a test. In that way they can be sure the people have met a standard."

"Now tell me about certification" said Alice. "What good does that do?"

"It helps the public identify qualified and competent practitioners," I replied. "You see, to become certified you must meet certain training, experience and examination requirements—just as in licensing. But you realize, of course, that certification is usually non-governmental, while licensing is always required by a law."

"That is interesting," said Alice. "You are telling me that the public can have more confidence in a practitioner who is certified than in one who is not."

"Yes. That is right," I responded.

"How often do these people have to be re-examined to keep their licenses and certificates?" asked Alice.

"Oh, they never need to be reexamined," I explained. "In order to keep their license or certificate, they merely pay a renewal fee."

Alice looked perplexed. "You mean that once a person is licensed or certified, no one ever checks to see if the person is in good health and is still able to perform in a competent fashion? What if the licensee's vision or coordination is impaired? What if a person has become senile?"

I did not like the tone of her question, so I reminded her that professionals have an obligation to keep up to date. And if they become impaired in some way, they are ethically bound not to practice.

"But suppose an individual does not keep up to date?" persisted Alice. "Suppose the person keeps on practicing although his or her physical capabilities have deteriorated? Isn't there a possibility that the public might be harmed?"

"I suppose there is," I replied, "but in certain professions we seek to protect the public by requiring continuing education."

"What is that?" asked Alice.

"Well in order to get a license or certificate renewed, one has to take approved courses—or meet the continuing education requirement in some other way."

Alice was interested. "Tell more," she urged.

"It is quite simple. Professional organizations, colleges and even entrepreneurs offer courses tailored to the needs and interests of the professional. Quite often these courses are offered in conjunction with vacation travel—which makes at least part of the vacation tax deductible.

"What is the connection between the continuing education courses one takes and areas of weakness—or areas of needed growth—that a person may have?" Alice asked.

"There really is not any," I had to admit. "Presumably a professional is aware of his or her needs and will take appropriate courses."

"But what if that person is unaware of his or her weakness? What if the person elects to take courses dealing with trendy stuff and ignores or neglects basic material on which he or she is rusty?" Alice persisted.

I thought it was time to tell Alice about professional discipline, so I said, "If a person does not maintain his or her competence, sooner or later he or she is likely to get into trouble. They may hurt someone and that may bring them to the attention of the board, and then the board can subject them to disciplinary action."

"Oh, I see," said Alice. "The Board would get the complaint, investigate and if there is adequate cause, revoke or suspend the license. Is that correct?"

"That is right," I said. "At least in theory. In practice very few licenses are ever suspended or revoked for incompetence."

"For what reason are they revoked?" asked Alice.

"Most disciplinary actions are for breaking the law—for drug abuse, drug diversion, medicare fraud. In order to take disciplinary action because of incompetence, you have to have strong evidence of gross incompetence or a pattern of repeated acts of incompetence. That is why few people ever lose their licenses because of incompetence."

Alice looked perplexed, "Let's see if I understand what you are telling me. Licensing is supposed to protect the public against incompetents, yet the licensing agency never reexamines people to see if they are still competent or in physical condition to render safe and effective service."

"Right so far," I said.

"Many boards require continuing education, but such education is not necessarily linked to areas of incompetence."

"Correct," I said.

Alice continued, "The board does not routinely check its licensees to see if they are practicing at the state-of-the-art? Instead, it waits for complaints—and acts only if the complaint is of a very, very serious nature. In the meantime, the public assumes that the practitioner is competent because he or she is being regulated by an agency or the government."

I agreed, Alice continued, "That seems like a pretty shaky assumption in view of the fact that there is no systematic review of the practitioner's level of knowledge or skill or of his ability to apply his knowledge appropriately." At this point Alice turned away and said to a big white rabbit who was standing nearby, "This whole situation gets curiousest and curiousest all the time. I wonder which of us is in Wonderland?"

I have shared this disquieting dialog with you because in her own way, Alice has put her finger on what has become the most troublesome aspect of professional regulation. More and more people are beginning to realize that, contrary to the assertion that licensing protects the public, the system of regulation, as presently constituted, is incapable of keeping that promise. It simply makes no sense to pretend that lifetime licensure or certification can be depended on to provide dependable assurances of competence * * * .

TEMPORARY SAFE HAVEN LEGISLATION

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

Mr. FISH. Mr. Speaker, I would like to speak on behalf of "temporary safe haven legislation" that Congressman MAZZOLI introduced today. I am an original cosponsor of this legislation.

In speaking in support of this legislation, I would like to make reference to an editorial in the New York Times, dated June 29, 1987, entitled "Make America a Fair Safe Haven" which I am inserting in the RECORD. This editorial specifically addresses the need for legislation which adopts formal procedures for granting temporary refuge for a national group whose homeland conditions are racked by armed civil conflict, environmental disaster, or other extraordinary and temporary conditions.

The Attorney General has discretion to grant extended voluntary departure allowing individuals from certain countries to remain in the United States because of political persecution, chaos, and civil strife at home. However, no criteria is now available which specifies when extended voluntary departure can be granted and why certain countries qualify. Just recently, the administration announced its extension of voluntary departure to foreign nationals from Poland.

The Refugee Act of 1980 was passed by Congress to establish a uniform process by which we accept refugees, that is, those individuals having a "well-founded fear of persecution based on race, religion, nationality, membership in a particular social group or political opinion." With the passage of the Refugee Act, the use of extended voluntary departure decreased. However, even after passage of this act, the administration continued to use its executive authority to grant extended voluntary departure in special circumstances for certain countries, such as Uganda, Poland, Ethiopia, and Afghanistan.

I think the present ad hoc usage of EVD demonstrates a clear need for congressional action to establish formal procedures for granting EVD by the Attorney General. The purpose of the Refugee Act was to establish a formal and orderly process for accepting refugees and to supplant the ad hoc use of parole and nation-specific procedures. We need the same for EVD. I believe this legislation makes much more sense than granting a stay of deportation just for El Salvador and Nicaragua, pending completion of a GAO report. That legislation has been introduced during the past several Congresses with unsuccessful results.

However, having just recently visited both countries, I can certainly sympathize with the need for a solution. I am very troubled by the concerns that the President of El Salvador, President Duarte, expressed in his recent letter to President Reagan requesting EVD for his country. As you will recall, President Duarte describes the devastating economic impact the Immigration Reform Act will have on El Salvador because, of the return of hundreds of thousands of Salvadorans who do not qualify for legalization under our new law.

At the same time, I sympathize with all the other countries around the world that suffer

from economic hardship or some form of civil strife or national catastrophe. It is important, therefore, that a rationale, freestanding legislative approach be developed to allow individuals to remain here temporarily until conditions in their country improve. The legislation introduced today establishes the criteria for such action and replaces the ad hoc approach currently being used with EVD. I think the legislation introduced today fills a gap between our Refugee Act and our immigration laws and urge my colleagues to support this legislation.

MAKE AMERICA A FAIR SAFE HAVEN

Which foreigners should be allowed safe haven in the United States when there's trouble back home? Using informal authority, the Reagan Administration now will allow more than 7,000 Polish citizens who would be eligible for deportation to remain in this country at least through 1987.

The Poles have been in the U.S. since before July 1984, after fleeing martial law in their homeland. They are like citizens of a dozen other countries who have been granted what is called extended voluntary departure. But the same Administration that now says yes to Poles seeking safe haven continues to say no to Salvadorans who fear returning to turmoil in their country.

The contradiction offers new reason to write safe haven status formally into law.

The United States has opened its arms to refugees who satisfactorily prove a "well-founded fear of persecution" back home. But for visitors who need a port in a sudden storm like civil strife or natural disaster in their homeland, U.S. law can be casual and inadequate. Many countries have formal procedures for granting temporary refuge but in America, the decision is left to the discretion of the Attorney General.

Under that discretion, the Administration recently refused a request from President Duarte of El Salvador for "extended voluntary departure" for half a million Salvadorans living here illegally.

The double standard of extending temporary refuge for Poles but denying it to Salvadorans could be justified in this case. Mr. Duarte based his case not on humane principle but on expediency arguing that sending home thousands of undocumented Salvadorans would create an economic crisis. Nevertheless, a case could be made that if forced to return home, many Salvadorans would face the chaos and danger of continuing civil strife.

The way to insure that judgments to grant safe haven are not skewed by politics is to incorporate humanitarian criteria into law. That's an approach favored by Representative Romano Mazzoli. He has proposed formalizing safe haven status under existing immigration law. The idea is to allow the Attorney General to grant emergency protection to a national group whose homeland is racked by armed civil conflict, environmental disaster or other "extraordinary and temporary conditions."

The Attorney General's decision would take into account "immigration, humanitarian and international concerns," with at least an annual review of homeland conditions to determine whether refuge should be extended.

Setting down formal standards for any national group seeking temporary safe haven would eliminate the need for special legislation to address the plight of individual groups like Salvadorans and Nicaraguans that have failed to win Administration sym-

pathy. The Mazzoli approach offers a sound way finally to get from here to there.

THE TEMPORARY SAFE HAVEN ACT OF 1987

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

Mr. MAZZOLI. Mr. Speaker, today, I, along with the distinguished gentleman from New York [Mr. FISH] and the distinguished gentleman from Georgia [Mr. SWINDALL], am introducing legislation designed to fill a major gap in current immigration law.

This gap exists because between full-fledged refugee status and the status of being an undocumented alien there lies—nothing. Under existing law an alien abroad who can demonstrate a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion can be admitted to the United States as a refugee, which in effect means as a lawful permanent resident alien, with full rights to become a U.S. citizen after a few years. Similarly, an alien already in the United States who can demonstrate that same type of well-founded fear can be granted asylum. Again, this puts the individual on the road to United States citizenship.

But the "well founded fear of persecution" test is not, and was never intended to be, a standard readily met. Under our refugee laws, an individual must show a personalized fear; as is a fear that he or she has been, or may be, singled out for harsh treatment on the basis of the prescribed grounds. Moreover, the concept of persecution entails the notion that the persecutor is acting knowingly and intentionally against an individual. There is no such thing as negligent or unintended persecution.

This is not to imply that there is anything wrong with the 1980 Refugee Act, the basis for our refugee and asylum laws. Under that act, hundreds of thousands of individuals fleeing persecution have been admitted to the United States; and this year we will admit approximately 70,000 more. The Refugee Act, which has served our Nation and the world well, is entirely consistent with our international obligations under the 1951 Convention Relating to the Status of Refugees and the 1968 Protocol.

Clearly, the fact that an individual is not, and will not, be persecuted provides no guaranty that he or she will be allowed to lead a life of peace and prosperity. If there is random violence or civil warfare in a country it is of little consolation to an individual struck by a stray bullet that the person who pulled the trigger was not really aiming at him.

Similarly, environmental disasters, such as earthquakes and floods, are indiscriminate in their impact. They persecute no one, but their dangers may be as real as the actions of the most nefarious dictator.

Today, aliens fleeing armed hostilities enjoy no special protection in the United States. Indeed, if they arrived without documentation—which usually is the case—they are simply deportable aliens. That they may be deported to a nation in which their lives and

safety may be in jeopardy is not, itself, a basis for remaining in the United States.

This gap in current law has been recognized—and to a limited extent, corrected—by an executive action known as Extended Voluntary Departure (EVD). Since 1977, EVD has been granted administratively to Ethiopians, Ugandans, Poles, Afghans, Iranians, and Nicaraguans. Quite simply, the process is one whereby the Attorney General allows individuals of a particular nationality to remain indefinitely in the United States. According to Elliot Abrams, who, as Assistant Secretary of State for Human Rights and Humanitarian Affairs, testified on this matter in 1984, the decision to grant EVD is based on "a balancing of judgments about their foreign policy, humanitarian, and immigration policy implications."

Though the EVD mechanism represents a bona fide attempt to fill an obvious and ongoing need, it presents a number of problems of its own. First, it has only the shakiest of legislative foundations, and indeed is arguably outside the scope of current law. Second, the process by which EVD grants are made, extended, or terminated is utterly mysterious, since there exist no statutory criteria to guide the administration in its actions. Third, EVD decisions are neither publicized nor accompanied by an explanation of how and why they were made. For example, when EVD was recently extended for Poles the action was accomplished by means of an internal directive to Immigration Service officer. No notification or explanation accompanied the action. Fourth, neither statutes nor regulation describe the rights and responsibilities of individuals who are in EVD status. What documents are issued to such individuals? Are they allowed to work in the United States? Can they travel abroad? Are they entitled to welfare benefits? Answers to these and similar questions are difficult, if not impossible, to find.

Given these obvious defects in current practice, and recognizing the compelling humanitarian arguments on behalf of allowing endangered aliens who are not refugees to remain in the United States, we have crafted the legislation I am now introducing: The Temporary Safe Haven Act of 1987. The basic features of our bill are as follows:

SUMMARY OF TEMPORARY SAFE HAVEN ACT OF 1987

Establishes three criteria for authorization to remain temporarily (ART): (1) physical danger due to armed conflict; (2) environmental disaster; or (3) U.S. national interest, taking into account international, humanitarian, and immigration concerns.

Requires foreign state to request ART only in environmental disaster cases.

Permits no judicial review.

Allows the Attorney General to establish cutoff dates.

Requires all eligible aliens to register with INS, and then reregister annually, providing the INS with such information as it may require.

Permits aliens in lawful nonimmigrant status to receive ART only if and when their visa expires.

Requires continuous physical presence in United States, but permits brief casual and innocent departures.

Disqualifies ART recipients from public welfare.

Removes from the Attorney General his present powers to grant EVD.

Requires Attorney General to report annually on why each country in the world was, or was not, given ART treatment.

Does not grandfather in El Salvador, Poland, or any other country.

Requires the Attorney General to publish findings of fact in the Federal Register whenever he: (1) grants ART to a country; (2) revokes ART; or (3) extends ART for an additional year.

Mr. Speaker, just 2 weeks ago the full Judiciary Committee favorably reported out H.R. 618, a bill to grant, in essence, EVD to Salvadorans and Nicaraguans. I could not support that bill, believing that an ad hoc, country-specific approach is not the answer. Nonetheless, I recognize that H.R. 618 is well along in the legislative process, and it is not my intent to promote The Temporary Safe Haven Act as a substitute for that measure. On the other hand, it is my hope that if a generic bill of the type we are introducing today is enacted into law there will be need in the future for this body to consider legislation like H.R. 618.

Mr. Speaker, at this point I would like to have printed in the RECORD two recent New York Times editorials strongly supportive of the approach reflected in our bill:

[From the New York Times, May 16, 1987]

AMERICA AS SANCTUARY

In times of turmoil in their homelands, foreign visitors need temporary sanctuary; to send them away would be cruel. Many countries have formal procedures for granting temporary refuge. But visitors to the United States who need a port in a sudden storm are left to the discretion of the Attorney General, whose humanitarian impulses may be constrained by politics. It's time for Congress to formalize safe haven status by law.

Immigrants can enter if they meet legal requirements. Refugees who document a "well-founded fear of persecution" back home are entitled to permanent sanctuary. But there is a spectrum of people in between. For instance, what of those who come as visitors and are turned into refugees, while here, by civil strife at home? Forcing them to return would subject them to chaos, or worse. Consider the Iranian students in colleges here when the Shah was deposed.

American law is not heartless about people in such a bind but it is casual. The Attorney General can grant safe haven in the form of "extended voluntary departure." In the last 25 years, that has been done for 13 nationality groups. Currently, nationals from Afghanistan, Ethiopia and Poland are covered.

Using its discretion, the Administration this week refused a request from President Duarte of El Salvador to grant extended voluntary departure to half a million Salvadorans living here illegally. He argued sending so many undocumented Salvadorans home under the new Immigration Reform Act could create an economic crisis. But that has little to do with the need for safe haven.

A case can be made that they would face, if not persecution, at least chaos if forced to return home. That's a judgment best made objectively, unsalted by political considerations. A formal process for granting temporary refuge would make these decisions on less fickle grounds.

Congress is considering a bill, co-sponsored by Representative Joe Moakley of

Massachusetts and Senator Dennis DeConcini of Arizona, to confer extended voluntary departure status for two years on undocumented Salvadorans and Nicaraguans who might be deportable under the new law. That goes too far and not far enough.

To give the Salvadorans and Nicaraguans living and working here a free pass for two years undermines the new immigration law, intended to discourage sneaking into the country. Yet the bill stops at those two groups and does not address the plight of the next people whose plea for emergency protection fails to win Administration sympathy.

What's needed is a temporary refuge law that formally incorporates humanitarian criteria into the decision process. Such legislation could provide safe haven, for an unspecified time, to any national group whose homeland is racked by civil strife or, perhaps, natural disaster. Individual claims could receive more generous consideration. America can be tough on gate-crashers and yet remain reliably compassionate to people cut off from their homes.

[From the New York Times, June 1987]

MAKE AMERICA A FAIR SAFE HAVEN

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The way to insure that judgments to grant safe haven are not skewed by politics is to incorporate humanitarian criteria into law. That's an approach favored by Representative Romano Mazzoli. He has proposed formalizing safe haven status under existing immigration law. The idea is to allow the Attorney General to grant emergency protection to a national group whose homeland is racked by armed civil conflict, environ-

mental disaster or other "extraordinary and temporary conditions."

The Attorney General's decision would take into account "immigration, humanitarian and international concerns," with at least an annual review of homeland conditions to determine whether refuge should be extended.

Setting down formal standards for any national group seeking temporary safe haven would eliminate the need for special legislation to address the plight of individual groups like Salvadorans and Nicaraguans that have failed to win Administration sympathy. The Mazzoli approach offers a sound way finally to get from here to there.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

[Mr. OBEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. MOLINARI] is recognized for 60 minutes.

[Mr. MOLINARI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

[Mr. PANETTA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

[Mr. DANNEMEYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALEXANDER (at the request of Mr. FOLEY), for today, on account of death in family.

Mr. ROSTENKOWSKI (at the request of Mr. FOLEY) for today on account of illness.

Mr. ROE (at the request of Mr. FOLEY) for today, July 14 and 15, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 60 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, on July 14.

Mr. FISH, for 5 minutes, today.

Mr. BEREUTER, for 30 minutes, on July 14.

Mr. FISH, for 10 minutes, on July 14.

(The following Members (at the request of Mr. MOAKLEY) to revise and extend their remarks and include extraneous material:)

Mr. HOWARD, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, on July 14.

Mr. ROYBAL, for 60 minutes, on July 21 and 22.

Mr. EDWARDS of California, for 60 minutes on July 22 and 23.

Mr. MOODY, for 60 minutes, on July 15 and 16.

Mrs. BOXER, for 60 minutes, on July 14 and 15 and 30 minutes on July 21 and 22.

Mr. FLORIO, for 60 minutes, on July 22 and 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. DANNEMEYER in two instances.

Mr. MARLENEE.

Mr. DREIER of California.

Mr. CRANE.

Mr. LEWIS of Florida.

Mr. SHUMWAY.

Mr. LEWIS of California.

Mr. SLAUGHTER.

Mr. SAXTON.

Mr. LAGOMARSINO in two instances.

Mr. COURTER.

Mr. HENRY.

Mr. YOUNG of Alaska.

Mr. GINGRICH.

Mr. BEREUTER.

Mr. PORTER.

Mr. DONALD E. LUKENS.

(The following Members (at the request of Mr. MOAKLEY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MONTGOMERY.

Mr. TRAFICANT.

Mr. GARCIA.

Mr. HOWARD.

Mr. ASPIN.

Mr. HOCHBRUECKNER.

Mr. PEASE.

Mr. CARDIN.

Mr. KENNEDY.

Mr. STOKES.

Mr. LELAND.

Mr. DONNELLY.

Mr. FRANK.

Mr. DORGAN of North Dakota.

Mr. LANTOS.

Mr. SHARP in three instances.

Mr. FLORIO in two instances.

Mr. RANGEL.

Mr. PANETTA.

Mr. WEISS.

Mr. DELLUMS.

Mr. AUCOIN.

Mr. LEVIN of Michigan.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present, to the President, for his approval, a bill of the House of the following title.

H.R. 558. An to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 744. An act to authorize the Environmental Protection Agency to assist States in development of radon programs, to conduct a study to determine the extent to which radon in the Nation's schools poses a threat to children and employees in such schools, and for other purposes; to the Committee on Energy and Commerce.

S. 1198. An act to authorize a certificate of documentation for the vessel F/V Creole; to the Committee on Merchant Marine and Fisheries.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 85. Joint resolution to designate the period commencing on August 2, 1987, and ending on August 8, 1987, as "International Special Olympics Week," and to designate August 3, 1987, as "International Special Olympics Day", and

S.J. Res. 138. Joint resolution to designate the period commencing on July 13, 1987,

and ending on July 26, 1987, as "U.S. Olympic Festival—'87 Celebration," and to designate July 17, 1987, as "U.S. Olympic Festival—'87 Day."

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 14, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1733. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to recover costs of carrying out certain animal and plant health inspection programs, and for other purposes; to the Committee on Agriculture.

1734. A communication of the President of the United States, transmitting an amendment to the requests for appropriations for fiscal year 1988 for the legislative branch, and general provisions language to help implement the Productivity Improvement Program, pursuant to 31 U.S.C. 1107 (H. Doc. No. 100-91); to the Committee on Appropriations and ordered to be printed.

1735. A letter from the Commander, Naval Facilities Engineering Command, Department of the Navy, transmitting a final environmental impact statement [FEIS] for the gulf coast strategic homeporting, pursuant to 33 U.S.C. 1344(r); to the Committee on Armed Services.

1736. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia; to the Committee on Armed Services.

1737. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-45, "D.C. Sales Tax Amendment Act of 1987," and Report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1738. A letter from the General Counsel, Legal Services Corporation, transmitting the 1986 report of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1739. A letter from the Secretary of Transportation, transmitting the National Airway System annual report—fiscal year 1986, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Public Works and Transportation.

1740. A letter from the Assistant Secretary (Tax Policy), Department of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to provide an exemption from withholding tax for certain interest payments to Netherlands Antilles companies and their creditors and thereby to protect investor confidence in international bonds of U.S. is-

suers and for other purposes; to the Committee on Ways and Means.

1741. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the fifth annual fee adequacy report evaluating whether the revenues collected from nuclear waste disposal fees are sufficient to offset program costs, pursuant to 42 U.S.C. 10222(a)(4); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1742. A letter from the Director, Office of Personnel Management, transmitting notification of a proposed national Bureau of Standards demonstration project which addresses the Government's problem of attracting and keeping qualified personnel, especially in high-technology fields, pursuant to 5 U.S.C. 4703(b)(4)(B), (6); jointly, to the Committees on Science, Space, and Technology and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 618. A bill to provide for a General Accounting Office investigation and report on conditions of displaced salvadorans and Nicaraguans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes. (Rept. 100-212, Pt. 1). Ordered to be printed.

Ms. OAKAR: Committee on House Administration. H.R. 60. A bill to authorize the Architect of the Capitol to accept gifts and bequests of personal property and money for the benefit of the Capitol Buildings Art collection; with amendments (Rept. 100-213). Referred to the Committee of the Whole House on the State of the Union.

Ms. OAKAR: Committee on House Administration. H.R. 2249. A bill to change the title of employees designated by the Librarian of Congress for police duty and to make the rank structure and pay for such employees the same as the rank structure and pay for the Capitol Police; with an amendment (Rept. 100-214). Referred to the Committee of the Whole House on the State of the Union.

Ms. OAKAR: Committee on House Administration. House Joint Resolution 291. Joint resolution conferring the honorary status of Librarian of Congress Emeritus on Daniel J. Boorstin (Rept. 100-215). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 222. Resolution waiving certain points of order against consideration of H.R. 2906, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1988, and for other purposes (Rept. 100-217). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 223. Resolution waiving certain points of order against consideration of H.R. 2907, a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agen-

cies, for the fiscal year ending September 30, 1988, and for other purposes (Rept. 100-218). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 1340. A bill to improve the administration of the Department of Agriculture Commodity distribution activities, and for other purposes; with an amendment; referred to the Committee on Education and Labor for a period ending not later than July 31, 1987, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. 100-216, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROE (for himself, Mr. WALGREN, Mr. BOEHLERT, Mr. BROWN of California, Mr. SCHEUER, Mrs. LLOYD, Miss SCHNEIDER, Mr. GLICKMAN, Mr. VOLKMER, Mr. NELSON of Florida, Mr. HALL of Texas, Mr. MCCURDY, Mr. MINETA, Mr. HENRY, Mr. MACKAY, Mr. VALENTINE, Mr. BRUCE, Mr. STALLINGS, Mr. TRAFICANT, Mrs. MORELLA, Mr. CHAPMAN, Mr. HAMILTON, Mr. PERKINS, Mr. PRICE of North Carolina, Mr. NAGLE, Mr. SKAGGS, and Mr. BOUCHER):

H.R. 2916. A bill to amend the Act of March 3, 1901, and the Stevenson-Wyder Technology Innovation Act of 1980 to further U.S. technological leadership, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CARPER:

H.R. 2917. A bill to suspend for a 5-year period the duty on Bendiocarb; to the Committee on Ways and Means.

By Mrs. COLLINS:

H.R. 2918. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare Program for services of registered nurses as assistants at surgery; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HAMMERSCHMIDT:

H.R. 2919. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently required in order for an individual to be eligible for benefits based on disability; to the Committee on Ways and Means.

By Mr. LEWIS of Florida:

H.R. 2920. A bill to amend the Federal Meat Inspection Act to require that meat, and meat food products containing meat, be labeled as to country of origin even if further prepared after entry into the United States, and to provide for administrative sanctions for failure to so label or mark; to the Committee on Agriculture.

By Mr. MAZZOLI:

H.R. 2921. A bill to amend the Immigration and Nationality Act to improve the administration of the immigration and nationality laws, and for other purposes; to the Committee on the Judiciary.

By Mr. MAZZOLI (for himself, Mr. FISH, and Mr. SWINDALL):

H.R. 2922. A bill to amend the Immigration and Nationality Act to provide to aliens who are nationals of certain foreign states in crises authorization to remain temporarily in the United States; to the Committee on the Judiciary.

By Mr. MOODY (for himself and Mr. DELAY):

H.R. 2923. A bill to require certain actions by the Secretary of Transportation regarding certain drivers of motor vehicles and motor carriers; to the Committee on Public Works and Transportation.

By Mr. SOLOMON (for himself, Mr. STRATTON, and Mr. MARTIN of New York):

H.R. 2924. A bill to amend the Airport and Airway Improvement Act of 1982 relating to operation of flight service stations; to the Committee on Public Works and Transportation.

By Mr. SUNDQUIST:

H.R. 2925. A bill to amend title 10, United States Code, to repeal the Social Security offset applicable to certain annuities for surviving spouses paid under the survivor benefit plan for retired members of the Armed Forces to the extent that such offset is due to social security benefits based on the surviving spouse's own earnings or self-employment; to the Committee on Armed Services.

By Mr. TRAFICANT:

H.R. 2926. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants for closed circuit televising of the testimony of children who are victims of abuse; to the Committee on Judiciary.

H.R. 2927. A bill to designate the Federal courthouse being constructed at 129 Market Street, Youngstown, OH, as the "Thomas D. Lambros Federal Courthouse"; to the Committee on Public Works and Transportation.

By Mr. SCHUETTE (for himself, Mr. ANDERSON, Mr. ANNUNZIO, Mr. APPLIGATE, Mr. ARCHER, Mr. ATKINS, Mr. BADHAM, Mr. BARNARD, Mr. BENNETT, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BORSKI, Mrs. BOXER, Mr. BRENNAN, Mr. BROOMFIELD, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CAMPBELL, Mr. CARPER, Mr. CARR, Mr. CHANDLER, Mr. CHAPMAN, Mr. CLAY, Mr. CLINGER, Mr. COELHO, Mrs. COLLINS, Mr. CONYERS, Mr. COUGHLIN, Mr. COURTER, Mr. COYNE, Mr. CROCKETT, Mr. DAUB, Mr. DAVIS of Illinois, Mr. DAVIS of Michigan, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DEWINE, Mr. DINGELL, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. ESPY, Mr. FAUNROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FIELDS, Mr. FISH, Mr. FLAKE, Mr. FLIPPO, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Michigan, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GALLEGLY, Mr. GALLO, Mr. GARCIA, Mr. GEPHARDT, Mr. GINGRICH, Mr. GONZALEZ, Mr. GORDON, Mr. GRADISON, Mr. GRANDY, Mr. GRANT, Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. GREEN, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. INHOPE, Mr. JEFFORDS, Mr. JENKINS, Mr. JONES of Tennessee, Mr. KASICH, Mr. KASTENMEIER, Mr. KEMP, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARINO, Mr. LANCASTER, Mr. LANTOS, Mr. LATA, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LOTT, Mr. LUNGRIN, Mr. MACKAY, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MCCOLLUM, Mr. McDADE, Mr. McEWEN, Mr. McGRATH, Mr. McHUGH, Mr. McMILLAN of North Carolina, Mrs. MEYERS of Kansas, Mr. MPUME, Mr. MILLER of Ohio, Mr. MINETA, Mr. MOAKLEY, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NEAL, Mr. NELSON of Utah, Ms. OAKAR, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS of New York, Mr. PARRIS, Mr. PASHAYAN, Mr. PEPPER, Mr. PERKINS, Mr. PORTER, Mr. PURSELL, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RAVENEL, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBERTS, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mrs. ROUKEMA, Mr. ROWLAND of Georgia, Mr. RUSSO, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SCHEUER, Mr. SCHUMER, Mr. SHUMWAY, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. SOLARZ, Mr. SPRATT, Mr. STALLINGS, Mr. STANGELAND, Mr. STARK, Mr. STUMP, Mr. SUNDQUIST, Mr. SUNIA, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. UPTON, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. WALGREN, Mr. WATKINS, Mr. WAXMAN, Mr. WEBER, Mr. WEISS, Mr. WELDON, Mr. WHITTAKER, Mr. WHITTEN, Mr. WILSON, Mr. WOLF, Mr. WOLPE, Mr. WORTLEY, Mr. WYDEN, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.J. Res. 335. Joint resolution designating the week of September 13 through September 19, 1987, as "National Reye's Syndrome Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. LEACH of Iowa, Mr. ATKINS, Mr. BLAZ, Mr. SUNIA, Mr. FEIGHAN, Mr. DYMALLY, Mr. STUDDS, Mr. WOLPE, Mr. CROCKETT, Mr. TORRICELLI, Mr. ACKERMAN, Mr. UDALL, and Mr. GEJDENSON):

H. Con. Res. 158. Concurrent resolution concerning the establishment of a South Pacific nuclear free zone; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

162. By the SPEAKER. Memorial of the House of Representatives of the State of Michigan, relative to the Low Level Radioactive Waste Policy Act of 1980; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

163. Also, memorial of the General Assembly of the State of Colorado, relative to increased Federal fuel taxes; jointly to the Committees on Public Works and Transportation and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MANTON, Mr. STUDDS, and Mr. RICHARDSON.

H.R. 18: Mr. TORRES.

H.R. 38: Mr. GUNDERSON and Mr. MOODY.

H.R. 39: Mr. DOWNEY of New York.

H.R. 67: Mr. KENNEDY.

H.R. 80: Mr. WHEAT and Mr. WEISS.

H.R. 345: Mr. WILSON.

H.R. 353: Mr. FLAKE.

H.R. 371: Ms. PELOSI.

H.R. 382: Mr. WEISS.

H.R. 388: Mr. RIDGE and Mr. DYSON.

H.R. 537: Mr. DELLUMS.

H.R. 541: Mr. FOGLIETTA, Mr. CONYERS, and Mrs. COLLINS.

H.R. 544: Mr. ASPIN.

H.R. 618: Mr. KILDEE.

H.R. 625: Mr. MARLENEE and Mr. SWEENEY.

H.R. 639: Mr. LANTOS and Mr. BROWN of California.

H.R. 722: Mr. MARTINEZ and Mr. WOLFE.

H.R. 792: Mr. MICA, Mr. FAZIO, and Mr. SAWYER.

H.R. 810: Mr. WORTLEY, Mr. PURSELL, and Mr. SCHEUER.

H.R. 916: Mr. UPTON.

H.R. 933: Mr. SWIFT and Mr. WORTLEY.

H.R. 1016: Mr. CHAPPEL and Mr. GRANT.

H.R. 1017: Mr. CLINGER.

H.R. 1032: Mr. HOCHBRUECKNER.

H.R. 1037: Mr. BENNETT, Mr. HUTTO, Mr. YOUNG of Alaska, Mrs. BENTLEY, Mr. MILLER of Washington, Mr. HUGHES, Mr. MANTON, Mr. LIPINSKI, Mr. DIOGUARDI, Ms. KAPTUR, Mr. BORSKI, and Mr. HOCHBRUECKNER.

H.R. 1076: Mr. WEISS.

H.R. 1213: Mr. TORRES, Mr. ACKERMAN, and Mr. SWINDALL.

H.R. 1313: Mr. NOWAK, Mr. CHENEY, Mrs. SCHROEDER, Mr. HASTERT, and Mrs. BYRON.

H.R. 1452: Mr. BATEMAN.

H.R. 1492: Mr. NICHOLS, Mr. BUSTAMANTE, Mr. FUSTER, Mrs. COLLINS, Mr. RAHALL, Mr. DORNAN of California, Mr. ROE, Mr. GARCIA, Mrs. BENTLEY, Mr. DAUB, Mr. UDALL, and Ms. KAPTUR.

H.R. 1516: Mr. ACKERMAN, Mr. GRAY of Illinois, Ms. PELOSI, Mr. ROBINSON, Mr. BORSKI, Mr. PORTER, Mr. PETRI, Mr. HORTON, Mr. GUARINI, Mr. FOGLIETTA, Mr. WELDON, Mr. UPTON, Mr. CAMPBELL, Mr. HUGHES, and Mr. SWINDALL.

H.R. 1546: Mr. HOWARD and Mrs. COLLINS.

H.R. 1624: Mr. BALLENGER and Mr. COBLE.

H.R. 1641: Mr. FAUNTROY and Mr. PANETTA.

H.R. 1647: Mr. CARPER.

H.R. 1727: Mr. TRAXLER, Mr. HATCHER, Mr. OBERSTAR, Mr. KASTENMEIER, Mr. DOWNEY of New York, Mr. WILSON, Mr. OWENS of New York, Mr. ROBINSON, Mr. BRENNAN, Mr.

SUNIA, Mr. BONIOR of Michigan, Mr. FROST, Mr. ATKINS, Mr. BARNARD, Mrs. BENTLEY, Mr. FRANK, Mr. TOWNS, Mr. LANCASTER, Mr. FAZIO, Mr. DONNELLY, Mr. ROBERT F. SMITH, Mr. GRANT, Mr. MCCOLLUM, Mr. MAVROULES, Mr. BERMAN, Mr. MARTINEZ, Mr. LIVINGSTON, Mr. AKAKA, Mr. ANDREWS, Mr. TRAFICANT, Mr. SCHUETTE, Mr. GRAY of Illinois, Mrs. BOGGS, and Mr. BIAGGI.

H.R. 1729: Mr. McMILLAN of North Carolina and Mr. DYSON.

H.R. 1737: Mr. ROE, Mr. KOSTMAYER, Mr. DARDEN, Mr. PURSELL, Mr. BIAGGI, Mr. ROWLAND of Connecticut, Ms. SNOWE, Mr. SABO, Mr. UPTON, Mr. WELDON, and Mr. CHANDLER.

H.R. 1742: Mr. EDWARDS of Oklahoma.

H.R. 1787: Mr. HERGER.

H.R. 1794: Mr. BEREUTER, Mr. KILDEE, and Mr. ROBINSON.

H.R. 1815: Mr. BIAGGI, Mr. SCHEUER, and Mr. EDWARDS of California.

H.R. 1885: Mr. DUNCAN.

H.R. 1961: Mr. SMITH of New Jersey, Mr. GARCIA, and Mr. FOGLIETTA.

H.R. 1962: Mr. SMITH of New Jersey, Mr. GARCIA, and Mr. FOGLIETTA.

H.R. 2038: Mr. MARTINEZ.

H.R. 2051: Mr. ROBINSON and Mr. WEISS.

H.R. 2057: Mr. STUMP.

H.R. 2114: Mr. NICHOLS and Mr. TALLON.

H.R. 2141: Mr. CLAY, Mr. MILLER of Washington, and Mrs. BOXER.

H.R. 2191: Mr. EDWARDS of California and Mr. FAZIO.

H.R. 2210: Mr. CARDIN and Mr. CARPER.

H.R. 2248: Mr. SPRATT.

H.R. 2251: Mr. KASTENMEIER, Mr. OBEY, Mr. WEBER, Mr. CRAIG, and Ms. SLAUGHTER of New York.

H.R. 2260: Mr. LENT, Mr. FEIGHAN, Mr. GALLEGLY, Mr. DAUB, Mr. ASPIN, and Mr. EDWARDS of Oklahoma.

H.R. 2272: Mr. WILSON.

H.R. 2273: Mr. WILSON.

H.R. 2279: Mr. WOLFE, Mr. BIAGGI, Mr. KENNEDY, Mr. STOKES, and Mr. WEISS.

H.R. 2320: Ms. PELOSI.

H.R. 2398: Mr. JONTZ.

H.R. 2399: Mr. ROBERT F. SMITH, Mr. BOSCO, and Mr. LAGOMARSINO.

H.R. 2401: Mr. SCHUETTE.

H.R. 2491: Mr. RAHALL.

H.R. 2517: Mr. FAZIO and Mrs. COLLINS.

H.R. 2521: Mr. BERMAN, Mr. DIXON, Mr. BATES, Mr. FRANK, Mr. STARK, Mr. EDWARDS of California, Mr. MAVROULES, Mr. SOLARZ, Mr. RODINO, Mr. MRAZEK, Mrs. BOXER, Mr. GARCIA, Mr. DELLUMS, Mr. ACKERMAN, Mr. OWENS of New York, and Mr. VENTO.

H.R. 2530: Mr. BLAZ.

H.R. 2565: Mr. DE LA GARZA, Mr. BEVILL, and Mr. NICHOLS.

H.R. 2606: Mr. BATES, Mr. OWENS of New York, Mr. CONYERS, Mr. MAVROULES, Mr. SMITH of New Jersey, and Mrs. COLLINS.

H.R. 2625: Mr. DICKS.

H.R. 2643: Mrs. JOHNSON of Connecticut, Mr. OXLEY, Mrs. BENTLEY, and Mr. KOLBE.

H.R. 2647: Mr. HOWARD.

H.R. 2666: Mr. RAVENEL, Mr. SOLARZ, Mr. GILMAN, Mr. ST GERMAIN, Mr. BLAZ, Mr. SUNIA, Mr. MARKEY, Mrs. SAIKI, Mr. YATES, Mr. SMITH of New Hampshire, Mr. KENNEDY, Mr. STUDDS, and Mr. DONNELLY.

H.R. 2669: Mr. BATEMAN, Mr. DORNAN of California, Mr. WOLF, Mr. OWENS of Utah, Mr. LAGOMARSINO, Mr. DAVIS of Illinois, Mr. ROE, Mr. NEAL, Mr. TOWNS, Mr. TALLON, Mr. HUTTO, Mr. ESPY, and Mr. PARRIS.

H.R. 2686: Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. ECKART, Mr. MARTINEZ, Mr. BEVILL, and Mr. KANJORSKI.

H.R. 2724: Mr. TOWNS, Mr. WEISS, Mr. MFUME, Mr. SUNIA, Mr. FAWELL, Mr. TORRES,

Mr. GRAY of Illinois, Mr. MARTINEZ, Mr. FRANK, Mr. RODINO, Ms. PELOSI, Mr. MAVROULES, and Mr. SMITH of Florida.

H.R. 2727: Mr. KASTENMEIER.

H.R. 2733: Mr. DAVIS of Illinois, Mr. KYL, Mr. LAGOMARSINO, Mr. VANDER JAGT, Mrs. SAIKI, Mr. SKEEN, Mr. GALLO, Mr. PRENZEL, Mr. BALLENGER, and Mr. GUNDERSON.

H.R. 2736: Mr. GINGRICH, Mr. STALLINGS, Mr. ECKART, and Mr. DARDEN.

H.R. 2773: Mr. TOWNS, Mr. CONYERS, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. WILSON, Mr. KOLTER, Mr. SABO, Mr. MFUME, and Mr. FEIGHAN.

H.R. 2785: Mr. WELDON.

H.R. 2787: Mr. FAZIO and Mrs. COLLINS.

H.R. 2801: Mr. PEASE and Mr. KOSTMAYER.

H.R. 2844: Mr. LIPINSKI.

H.R. 2859: Mr. ANDERSON, Mr. LIPINSKI, and Mr. MILLER of California.

H.R. 2879: Mr. JONTZ and Mr. PERKINS.

H.R. 2880: Mr. LEWIS of Georgia, Mr. KOSTMAYER, Mr. ECKART, Mr. WOLFE, Mr. KILDEE, Mr. ENGLISH, and Mr. DEFAZIO.

H.R. 2891: Mr. SWIFT, Mr. HORTON, Mr. JEFFORDS, Mr. MILLER of California, Mr. DORGAN of North Dakota, Mr. BIAGGI, Mr. SMITH of Florida, Mr. CHAPMAN, Mr. PENNY, Mr. ECKART, Mr. GUNDERSON, and Mrs. BOXER.

H.R. 2911: Mr. WOLFE, Mr. COELHO, and Mr. BONIOR of Michigan.

H.J. Res. 50: Mr. HATCHER, Mr. RINALDO, Ms. PELOSI, Mr. TOWNS, Mr. RODINO, Mr. FEIGHAN, Mr. DAVIS of Illinois, Mr. CARPER, Mr. GREEN, Mr. ROE, Mrs. BENTLEY, Mr. THOMAS of Georgia, Mr. PETRI, Mr. GRANDY, and Mr. BILBRAY.

H.J. Res. 140: Mr. FLORIO, Mr. DAUB, Ms. PELOSI, Mr. HYDE, Mr. CARDIN, and Mr. LEWIS of Georgia.

H.J. Res. 144: Mr. ROWLAND of Connecticut, Mr. DANNEMEYER, Mr. DAUB, Mrs. MORIELLA, and Mr. MOODY.

H.J. Res. 180: Mr. MOLINARI, Mrs. BYRON, Mr. MFUME, Mr. YOUNG of Florida, Mr. HILER, and Mr. BORSKI.

H.J. Res. 195: Mr. HAYES of Louisiana, Mr. TORRES, Mr. HOCHBRUECKNER, Mr. DORGAN of North Dakota, Mr. KILDEE, Mr. DEFAZIO, Mr. CHAPPEL, Mr. IRELAND, Mr. BROOMFIELD, Mr. CARR, Mr. LUJAN, Mr. HERTEL, Mr. WALGREN, Mr. PORTER, Mr. COELHO, Mr. DINGELL, Mr. SYNAR, Mr. PEPPER, Mr. BONIOR of Michigan, Mr. DELLUMS, Mr. BERMAN, Mr. SMITH of New Hampshire, Mr. NEAL, Mr. DERRICK, Mr. PICKETT, Mr. NATCHER, Mr. BUNNING, Mr. TAYLOR, Mr. MURTHA, Mr. DICKS, Mr. HEFLEY, Mr. HUTTO, Mr. SHUMWAY, and Mr. BALLENGER.

H.J. Res. 208: Mr. PEPPER, Mr. HILER, Mr. OLIN, Mr. SKELTON, Mr. SWINDALL, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. DWYER of New Jersey, Mr. ROWLAND of Georgia, Mr. RAVENEL, Mr. PERKINS, Mr. SPRATT, Mr. FEIGHAN, Mr. MURPHY, Mr. OWENS of New York, Mr. COUGHLIN, Mr. MARTIN of New York, Mr. MATSUI, Mr. HUNTER, Mr. THOMAS of Georgia, Mr. MARKEY, Mr. NEAL, and Mr. McMILLEN of Maryland.

H.J. Res. 240: Mr. RITTER, Mr. GRAY of Pennsylvania, Mr. BENNETT, Mr. WOLF, Mr. SMITH of Florida, Mr. DORNAN of California, Mr. BROWN of California, Mr. ROE, Mr. FOGLIETTA, Mrs. BENTLEY, Mr. FLORIO, Mr. DWYER of New Jersey, Mr. MORRISON of Connecticut, Mr. LEVINE of California, and Mr. KOSTMAYER.

H.J. Res. 249: Mr. NEAL.

H.J. Res. 255: Mr. UPTON, Mr. PARRIS, Mr. SHAW, Mr. LEHMAN of California, Mr. WISE, and Mr. McMILLEN of Maryland.

H.J. Res. 300: Mr. DYMALLY, Mr. STALLINGS, Mr. RINALDO, Mr. BEILENSEN, Mr. BOLAND, Mr. LEHMAN of Florida, Mr. ANDERSON, Mrs. BOXER, Mr. WOLF, Mr. CONYERS, Mr. GREEN, Mr. SMITH of Florida, and Mr. TOWNS.

H.J. Res. 304: Mr. LANTOS, Mr. GALLEGLY, Mr. BROWN of California, and Mr. MATSUI.

H.J. Res. 313: Mr. CARR, Mr. LaFALCE, Mr. DAUB, Mr. HUGHES, and Mr. SHAW.

H.J. Res. 314: Mr. DWYER of New Jersey, Mr. BUECHNER, Mr. BADHAM, Mrs. BENTLEY, Mr. COYNE, Mr. DYMALLY, Mr. FEIGHAN, Mr. LOWERY of California, Mr. KOSTMAYER, Mr. MATSUI, Mr. OWENS of New York, Mr. STUDDS, Mr. SCHUMER, Mrs. MARTIN of Illinois, Mr. SIKORSKI, Mr. SABO, Mr. AuCOIN, Mr. BONKER, Mr. BURTON of Indiana, Mr. PEPPER, Mr. DONALD E. LUKENS, and Mr. FROST.

H.J. Res. 326: Mr. HORTON, Mr. KOSTMAYER, Mr. FEIGHAN, Mr. DORNAN of California, Mr. WOLF, Mr. SABO, Mr. CONYERS, Mr. FUSTER, Mr. HOWARD, Mr. FAZIO, Mr. BRYANT, Mr. GRAY of Illinois, Mr. SUNIA, Mrs. BOXER, Mr. FOGLIETTA, Mr. LEHMAN of

Florida, Mrs. BENTLEY, Mr. TRAXLER, Mr. CROCKETT, Mr. VALENTINE, Mr. DANIEL, Mr. GRAY of Pennsylvania, Mr. SMITH of Florida, Mr. JONES of North Carolina, Mr. BATES, Mr. LANTOS, Mr. YOUNG of Alaska, Mr. SISISKY, Mr. CLAY, Mr. THOMAS of California, Mr. ROE, Mr. CARR, Mr. HENRY, Mr. LEHMAN of California, Mr. WOLPE, Ms. Kaptur, Mr. DWYER of New Jersey, Mr. RAHALL, Mr. KILDEE, and Mr. HAYES of Illinois.

H. Con. Res. 68: Mr. ARCHER, Mr. BIAGGI, Mr. COELHO, Mr. CONYERS, Mr. DARDEN, Mr. DYSON, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. LaFALCE, Mr. LANCASTER, Mr. THOMAS A. LUKEN, Mr. McEWEN, Mr. NOWAK, Ms. PELOSI, Mr. PASHAYAN, Mr. SCHEUER, Mr. SUNIA, and Mr. WOLPE.

H. Con. Res. 83: Mr. MOODY, Mr. BATES, and Mr. SHAW.

H. Con. Res. 99: Mr. LIPINSKI.

H. Res. 146: Mr. MARTINEZ.

H. Res. 199: Mr. BLAZ, Mr. BUECHNER, Mr. DIOGUARDI, Mr. DURBIN, Mr. ECKART, Mr. FAWELL, Mr. FEIGHAN, Mr. FRENZEL, Mr. GILMAN, Mr. HOWARD, Mr. LIGHTFOOT, Mr. DONALD E. LUKENS, Mr. MOODY, Mr.

SCHUETTE, Mr. SYNAR, Mr. TOWNS, Mr. UDALL, and Mr. WILSON.

H. Res. 208: Mr. TORRES, Mr. AKAKA, Mr. NEAL, Mr. MOODY, Mr. MRAZEK, Mr. APPLEGATE, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. UDALL, Mr. TOWNS, Mr. FORD of Michigan, Mr. BUSTAMANTE, Mr. GARCIA, Mr. KOLTER, Mr. FUSTER, Mr. HOWARD, Mr. EDWARDS of California, Mr. HOCHBRUECKNER, Mr. ECKART, Mr. WOLPE, Mr. DYMALLY, Ms. PELOSI, Mr. FAZIO, Mr. STUDDS, Mrs. COLLINS, Mr. DELLUMS, Mr. DIXON, and Mr. BERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2907

By Mr. JACOBS:
—Page 36, line 24, strike out "\$1,328,000" and insert in lieu thereof "\$318,500".