have developed along rail lines would want to limit when and where trains can sound their horns.

But now, because of the Swift Rail Development Act, trains will sound their whistles at every public grade crossing in America. This may not pose a problem for rural America, but it is a real issue for communities, like those in Illinois, that are located along rail lines. The Chicago area, for example, is the historic rail hub of the United States and has some 1,500 trains moving daily through 2,000 crossings. The impact of all these trains blowing their whistles day and night would be immediate and obvious and would make the jet noise at O'Hare International Airport seem like a minor irritation. The village of Western Springs, which is located in my congressional district, has four street crossings and one pedestrian crossing and the new law would mean 75 minutes of whistle blowing a day.

In 1988, the Illinois General Assembly passed a State law which required both freight and passenger trains to sound their horns when approaching crossings, day and night. The law preempted any local ordinances that banned train whistles. As soon as railroads began implementing the law, the public outcry was so strong that a DuPage County judge stepped in and signed a temporary restraining order to keep trains from blowing their horns. Illinois residents living near rail lines could not live with the noise. They could not even sleep through the night without being interrupted by a train whistle. Shirley DeWine of Berwyn, which is also located in my congressional district, was quoted as saying that she would have to sell her house, which is located a block from the Burlington Northern Railroad if the trains kept blowing their whistles. Fortunately, the Illinois Commerce Commission took emergency action to make sure that the ban on train horns would remain in effect at most crossings.

However, the peace and quiet in Illinois is once again being threatened. This time it is a Federal law that requires trains to blow their whistles at all public grade crossings at all hours of the day and night. Therefore, I, along with a majority of my Illinois colleagues, am introducing this important resolution to express the sense of Congress that the Secretary of Transportation should take into account the interests of the affected communities before issuing the final regulations.

The Swift Rail Development Act of 1994 does allow the Secretary of Transportation to provide exemptions to the train whistle requirement at grade crossings where other safety measures are shown to provide the same level of safety as a final warning from a train whistle. This resolution directs the Secretary to also take into account other criteria, such as the past safety record at the grade crossing and the needs of the community. Also, the resolution allows communities up to 3 years to install supplemental safety measures whenever the Secretary determines that supplementary safety measures are necessary to provide an exception to the train whistle requirement. The resolution also directs the Secretary to work in partnership with affected communities to provide technical assistance and to develop a reasonable schedule for the installation of those measures. Supplemental safety measures are often costly and complicated, and local communities need both financial and technical help installing these safety measures.

The Federal Railroad Administration has been engaged in a very active outreach effort inform communities of the forthcoming rules regarding train whistles. Administrator Jolene Molitoris informed me, in a letter to my office in February, that because of the intense interest in this issue, the FRA will not be able to issue a final rule by the imposed deadline of November 2, 1996. I believe this is encouraging news. The FRA and the Secretary of Transportation can use the extra time to research and develop additional alternatives to whistle blowing. In fact, this resolution will help guide the Secretary of Transportation as he continues to work out the final details of the train whistle requirement.

I understand that the intent of the train whistle requirement is to reduce highway-rail crashes but it is a blanket, one-size-fits-all solution to the problem of rail safety. The resolution I am introducing today allows the Secretary to consider at-grade, accident-reducing safety measures other than whistle blowing that are practical for the affected communities.

I encourage my colleagues from throughout the Nation to join the members of the Illinois delegation, including Congressman RUSH, Congressman JESSIE JACKSON, Jr., Congressman YATES, Congressman PORTER, Congressman WELLER, Congressman COSTELLO, Congressman FAWELL, Congressman DENNY HASTERT, Congressman EWING, Congressman LAHOOD, Congressman DURBIN, and myself, in sponsoring this legislation. We recognize the important safety issues involved, but we also recognize that communities must be given affordable options for avoiding the whistle requirements.

RECOGNIZING JIM QUELLO'S COMMON SENSE AT THE FCC

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. FIELDS of Texas. Mr. Speaker, once again, Federal Communications Commissioner Jim Quello has injected a healthy dose of common sense and sound judgment to a Federal agency badly in need of both.

In a Wall Street Journal op-ed piece yesterday, Commissioner Quello argued eloquently for flexibility as the FCC works to approve guidelines implementing the Children's Television Act.

The act—passed by Congress 6 years ago—seeks to increase both the quantity and the quality of children's television programming. Those of us who worked to pass the Children's Television Act sought to establish a simple, flexible yardstick by which broadcasters' compliance with the act could be measured.

But, as Commissioner Quello points out in his excellent op-ed piece, proposed regulations implementing the act—regulations that are circulating at the FCC—now exceeds 100 pages. Disturbingly, reports suggested that as the number of pages has increased, the guidelines have turned into regulations, and flexibility has been replaced by rigidity and inflexibility. I say reportedly, because no one on Capitol Hill has yet been provided a copy of the proposed regulations.

I wish to thank Commissioner Quello for his many years of distinguished service at the FCC, as well as commend him on an excellent op-ed piece. I also want to make clear that I share his position with regard to guidelines implementing the Children's Television Act, and I pledge to work with him to reduce the regulatory overkill that has been—and remains—the hallmark of so much of what the FCC does.

I commend Commissioner Quello's op-ed piece in yesterday's Wall Street Journal to your attention, Mr. Speaker, and to the attention of my colleagues.

[From the Wall Street Journal, July 24, 1996]

THE FCC'S REGULATORY OVERKILL

(By James H. Quello)

President Clinton has summoned broadcasters to the White House for Summit on Children's Television next Monday. I hope the president uses this highly visible event to set the stage for creating sensible, effective rules to implement the Children's Television Act.

The Federal Communications Commission, charged with developing the actual rules, has been trying to agree on ''processing guidelines''—rules that would require broadcasters to air three hours of kids' educational programming per week. All four commissioners favor the concept of guidelines and a three-hour rule. But some of us believe that for the rules truly to be ''guidelines'' they must contain a reasonable degree of flexibility. The proposed rules the FCC is now considering are so rigid that they look more like government edicts than true guidelines. Indeed, taken in their entirety, these rules are as intrusive and overregulatory as anything I have witnessed in more than two decades at the FCC.

CONTENT CONTROL

In their present form, these ''guidelines'' would have a legal challenge—and probably would be held unconstitutional. They dictate in such detail that they amount to a form of content control in which the FCC cannot legally engage.

For example, the draft rules would allow only regularly scheduled, half-hour programs to be counted for purposes of satisfying most of a broadcaster's three-hour children's programming requirement. This would severely constrain stations' ability to broadcast both programs shorter than 30 minutes and specials like President Clinton's hour-long talk with American schoolchildren—not because they aren't educational but simply because they don't fit the FCC-decreed format.

Television licensees would also have virtually no incentive to finance the broadcast of educational shows on local PBS stations. This would eliminate any realistic possibility that commercial broadcasters would contribute to the development of new noncommercial children's programs like ''Sesame Street.''

On top of these arbitrary rules are page after page of even more burdensome and pointless ancillary requirements. There are rules on how often the FCC-sanctioned programming must be shown each season, on how many times it can be pre-empted, and on what time of day it can be broadcast in order to qualify.

There is a new rule requiring all 1,444 television stations to file paperwork with the FCC every three months—even though the exact same paperwork must be made available on request at the TV station's local office.

On and on it goes, for over 100 pages and 200 paragraphs—an intrusive and meddlesome regulatory mess never envisioned, let alone sanctioned, under the Children's Television Act.

In fact, Congress seemed to have just the opposite in mind when it passed the act in

1990. The legislation itself does not require any prescribed number of hours or specific types of programming. Its champions in both the House and Senate explained that the criterion should be ''a station's overall service to children'' and that a broadcaster should have the ''greatest possible flexibility in how it discharges its public service obligation to children.'' In so framing the Children's Television Act, its sponsors wisely sought to insulate both the act itself and the regulatory power of the FCC from legal challenges.

For as the courts have repeatedly found, public-interest requirements relating to specific program content create a high risk that such rulings would reflect the FCC's tastes, opinions and value judgments—rather than a neutral public interest. Such requirements must be closely scrutinized, lest they carry the commission too far in the direction of censorship. As the Supreme Court recently concluded, ''The Commission may not impose upon licensees its private notions of what the public ought to hear.''

The draft programming guideline rules ignore Congress's deliberate decision to allow stations flexibility and thereby avoid constitutional challenges. Instead, the draft rules virtually invite such a challenge.

What's going on here? A most worthy goal, children's educational and informational programming, is being cleverly manipulated to revive outdated and discarded ''scarcity'' theories of broadcast regulation. Scarcity justified regulation many years ago, when broadcast TV was the only show in town and a few stations were the only source of video programs.

Today, however, there is a superabundance of over-the-air broadcast outlets. Cable, with its 135 networks, reaches 98 percent of all television homes. Satellite services have grown rapidly, and VCRs are now in 83 percent of all American homes. To top it off, computers and the Internet are becoming an outlet of choice for our children's time and energy.

With this incredible menu of program choices, claims of marketplace failure are outdated and farcical. The main legislative and regulatory thrust today must be toward competition and deregulation, not program content regulation and First Amendment intrusion. Thus, it is increasingly difficult, logically and legally, to justify additional regulation of broadcasting, the only medium providing universal free service.

What to do? First, this controversial draft FCC order should be released right away in its entirety for public comment. Let's fully inform everyone of its contents.

WAKE-UP CALL

This is an unusual step, but this issue is deteriorating into an unusually misguided proceeding. If this draft order were made public, I can't imagine anyone with any sensitivity to the First Amendment supporting it, since it calls for unprecedented government micromanagement of the nation's leading news and information medium. If adopted, these rules would set a precedent that could shackle broadcasting with the prospect of even more extensive content and structural regulation in the future. Public disclosure would serve as a nationwide wake-up call to what is potentially at stake for all communications media.

Many congressmen have, in good faith, signed a letter generally supporting three hours of children's programming. I cannot believe these congressmen would support the adoption of overly rigid rules that threaten to undermine the judicial sustainability of the act itself. A three-hour-per-week guideline for children's educational programming makes sense and is universally supported. But it must be flexible enough to allow broadcasters to do their job—and flexible enough to avoided censorship.

At the risk of violence to the first Amendment, we will not be doing children or their parents any favors by rushing ahead with an overregulatory exercise in micromanagement. Both President Clinton and leaders in Congress have declared that ''the era of big government is over.'' Is that true for everyone but the FCC?

REMEMBERING THE ISRAELI OLYMPIC ATHLETES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. GINGRICH. Mr. Speaker, I want to take this opportunity to remember the 11 Israeli Olympic athletes and coaches who were victims of terrorism on September 6, 1972, during the Olympic games in Munich, Germany.

On Sunday, July 28, 1996, the Atlanta Jewish Federation along with the Olympic Committee of Israel will host a memorial service honoring the Olympic competitors who were killed by terrorists in 1972. During this occasion, a sculpture with an eternal flame, the Olympic rings, and the names of the victims will be unveiled as a reminder of the tragedy and loss suffered on that dreadful day 24 years ago.

We remember again today the families and friends of these athletes and coaches who suffered such a terrible loss at the hands of ruthless terrorists.

HONORING THOSE WHO BATTLE DOMESTIC VIOLENCE

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, Pennsylvania's 13th District is home to many weapons in the battle against domestic violence. On the front lines we have a Montgomery County Victims Services Center, Laurel House, the Montgomery County Womens' Center, and the Montgomery County Commission on Women and Families.

I rise today to compliment another one of these weapons, and to recognize the men and women who make it work.

In 1978, Upper Moreland, PA Police Lt. Carl Robinson conceived the idea of establishing a corps of trained mental health professionals who would accompany police to the sites of domestic violence police calls. Years later, Ms. Bonnie Dalzell, who founded the counseling center at St. Luke's in Glenside, PA, visited police stations in the Upper Moreland area to acquaint police organizations with the mental health services she could provide.

This conversation developed into the Support Police Immediate Response Intervention Team, a nonprofit organization serving the communities of Upper Moreland, Abington, and Jenkintown, PA.

Mr. Speaker, as you know, much of a policeman's work is crisis intervention. Not only has the presence of mental health volunteers freed police to do the police work in cases of domestic violence, it has gone a long way towards safely resolving domestic conflicts.

Domestic violence is one of the greatest enemies of our Nation's families. I have the utmost respect and admiration for the caring people who do their best to help our country's families through domestic crises. This is why, both as a State legislator, and again last year as a Member of the 104th Congress, I introduced legislation supporting community response teams such as the one in Upper Moreland.

I am proud to rise today in recognition and support of compassionate men and women like Ms. Judy Dwyer, who is a responder in the Upper Moreland program of which I rise in appreciation.

I cannot say it enough. Our children and families are under attack. In Pennsylvania's 13th District, local solutions are making the difference, thanks to the vision and ability of people like Lieutenant Robinson, Ms. Dalzell, and Ms. Dwyer.

PROTECTING SOCIAL SECURITY: CONGRESS CANNOT AFFORD TO WAIT

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. SMITH of Michigan. Mr. Speaker, in 1983, Congress and President Reagan formed the bipartisan Greenspan Commission which agreed on historic legislation to save Social Security. At that time, the Social Security Administration actuaries warned that the system had an unfunded liability equal to 1.82 percent of taxable payroll. The 1983 law was supposed to solve this problem through the middle of the next century. However, the actuaries now find that the unfunded liability is 2.19 percent of taxable payroll, 20 percent worse than in 1983.

Expressed in 1996 dollars, this liability equals approximately $4 trillion. Put another way, under the current system every beneficiary for the next 75 years will have to absorb a 14 percent cut from baseline benefits for the system to balance. Alternatively, payroll taxes will have to go up by 16 percent to restore long-term solvency. The actuaries say even larger benefit cuts or tax increases will be needed the longer Congress delays.

Traditionally, Congress waits until the last moment to solve such problems, using a crisis environment to convince our constituents and ourselves that sacrifices have to be made. But this approach is unconscionable when waiting until the last minute will force us to adopt a solution that will damage the economy and the lives of vulnerable workers and retirees. Under current law, there will only be two workers paying into the system for each retiree drawing benefits early in the next century. There were 42 workers for every retiree when Social Security was started. On May 15, former Social Security Commissioner Dorcas Hardy estimated Social Security could have insufficient funds as early as 2005. Without meaningful reform soon, very large benefit reductions or tax rate hikes are unavoidable. Fortunately, I believe we can legislate a happy ending.

The Social Security Administration has scored my bill, the Social Security Solvency Act, and found that if everyone participates each worker could invest between 1.81 percent and 10.11 percent of his paycheck in a