

## REPORT ON H.R. 3734, WELFARE AND MEDICAID REFORM ACT OF 1996

Mr. KOLBE, from the Committee on the Budget, submitted a privileged report (Rept. No. 104-651) on the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, which was referred to Union Calendar and ordered to be printed.

## GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 3675 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Virginia? There was no objection.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 456 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3675.

□ 2127

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

□ 2130

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 26, 1996, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in section 2 of House Resolution 460 is adopted.

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

The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening

business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, namely:

## TITLE I

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$53,816,000, of which not to exceed \$40,000 shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to \$1,000,000 in funds received in user fees established to support the electronic tariff filing system: *Provided further*, That none of the funds appropriated in this Act or otherwise made available may be used to maintain custody of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; and open to inspection by the Department.

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

Mr. CHAIRMAN. I have an amendment printed in the RECORD, which I will not offer if I can engage the chairman of the subcommittee in a colloquy.

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

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

Mr. WOLF. Mr. Chairman, I would be pleased to engage in a colloquy with my friend, the gentleman from Virginia.

Mr. DAVIS. I thank the chairman.

I would tell the gentleman, Mr. Chairman, I have received assurances from the administrator of the Federal Highway Administration that he intends to undertake, on behalf of the District of Columbia, a comprehensive transportation needs assessment for the District. Such a study is desperately needed by the District, and it would benefit the entire Washington area, because of the interconnection of all of our transportation systems. This study will be paid for with Federal funds.

The administration is willing to conduct this study for the District because of the serious impact on traffic of the closure of Pennsylvania Avenue. I seek assurance from the chairman of the committee that he will work with the

Federal Highway Administration to ensure that this study is conducted, that Congress and the District of Columbia government are consulted on the parameters of the study, that we are able to review the results before they are final, that it will be as comprehensive as necessary, and that it will be finished within a year.

Mr. WOLF. Mr. Chairman, I thank my colleague for his concern on this important matter. Indeed it is a matter of regional importance, and I share his interest. I want to commend him for bringing this to the committee's attention.

I will tell him and guarantee him that I will work with him, the District, the Federal Highway Administration, and anybody else we have to work with to make sure it is done. I understand the Federal Highway Administration may take anywhere from 6 to 12 months and it will cost up to \$1 million, but it is a great idea, and I am really glad the gentleman brought it to the attention of the committee.

Mr. DAVIS. I thank the chairman for his assurances. I too understand that this is a major undertaking that may take as much as a year and \$1 million to complete. That is why I wanted to raise this matter on the floor. Again, I thank the chairman of the committee for his assurances and assistance.

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

Mr. Chairman, I rise to enter into a colloquy with the subcommittee chairman.

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

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

Mr. WOLF. Mr. Chairman, I would be happy to engage the gentleman from Illinois [Mr. PORTER] in a colloquy.

Mr. PORTER. Mr. Chairman, in the 1993 Congress we passed the Swift Rail Development Act, which directed the Secretary of Transportation to prescribe regulations regarding the sounding of train whistles or horns when trains approach and enter public highway-rail grade crossings. This authority has been delegated to the Federal Railroad Administration.

Mr. Chairman, railroad safety is of the utmost importance to me and to all Members of Congress. At the same time, it seems clear that the FRA is expected to take into consideration the quality of life concerns of affected communities in developing and implementing regulations.

Mr. WOLF. Yes, safety is of paramount importance to me as well, and we would expect the FRA to take such concerns into consideration.

Mr. PORTER. Mr. Chairman, this would include an expectation that the FRA would document the impact on communities of any new requirements for the sounding of train whistles or horns at highway-rail grade crossings, and that in exercising its statutory authority to provide for exceptions to the horn sounding requirement, the FRA

would consider the safety records of individual highway-rail grade crossings and provide exceptions where there is no significant history of loss of life or serious personal injury.

And further, this would include FRA's consideration of comprehensive local rail safety enforcement and public education programs as supplementary safety measures, and that, where it is determined that new physical supplementary safety measures are necessary, that the particular characteristics of each crossing and the views of the affected community would be considered in determining the practicality of a proposed supplementary safety measure.

Finally, I would understand that this would include an expectation that the FRA would work in close partnership with communities affected by this law and provide such communities with technical assistance.

Mr. WOLF. Yes, Mr. Chairman, the gentleman is correct. It is the committee's intent that the FRA should incorporate the gentleman from Illinois's recommendation.

Mr. PORTER. Mr. Chairman, I thank the subcommittee chairman.

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

Mr. Chairman, I rise to compliment the distinguished chairman of the subcommittee, as well as the distinguished chairman of the full committee and the ranking Members, the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Texas [Mr. COLEMAN], for the high level of consultation and cooperation with our Committee on Transportation and Infrastructure in developing this bill. Our committee's concerns have been addressed in a very fair manner, and I want to thank the distinguished chairman of the subcommittee.

Mr. Chairman, I rise in support of the fiscal year 1997 Transportation Appropriations Bill.

First and foremost, I want to thank Mr. LIVINGSTON, Mr. WOLF, and Mr. COLEMAN, and their staff for the high level of consultation and cooperation with the Transportation and Infrastructure Committee in developing this bill. The committee's concerns have been addressed in a very fair manner.

Overall the bill balanced the need for a strong Federal role in transportation safety with the need to continue to invest in our Nation's infrastructure. At the same time, the committee had to develop a bill in a climate of tight budgets. They have done an admirable job and should be commended.

For the Federal-Aid Highway Program, the funding level is being kept at the fiscal year 1996 level. The obligation limitation is kept to \$17.5 billion—the highest level ever enacted but not at the ISTEA authorized level of \$18.3 billion. There is no change to the exempt highway programs.

Despite this level of funding, in fiscal year 1997 outlays from the highway account of the trust fund will still be \$700 million below tax receipts. As I have repeatedly stated, it is unethical for us to collect dedicated user fees and not use them for their intended purpose.

For the transit program, the overall level is also kept at the fiscal year 1996 level of \$4

billion. This program helps modernize, and maintain our transit systems. It also helps build new systems. Good transit has an important role to play, especially in our large and congested cities. This bill will continue the Federal role in this mode of transportation.

For aviation, the bill funds an increase of \$254 million for operations. This increase will fund important safety functions and initiatives. The bill also provides funds to continue the modernization of the air traffic control system—a critical safety issue.

Unfortunately, due to budget constraints, the committee cut funding for airport grants by 10 percent. I believe that there continue to be significant needs for additional investment in our airports for both safety and capacity reasons.

For the Coast Guard the committee has ensured that there are sufficient funds to continue all its missions. We strongly support the Coast Guard's important role in drug interdiction. This is a vital Coast Guard mission that affects every community across this country. The bill also fully funds the State boat safety grant program which is critical to improving safety among recreational boaters.

Unfortunately, funding for Amtrak has been reduced substantially. This reduced funding could jeopardize Amtrak's future and highlights the critical need for the reforms embodied in H.R. 1788, which was passed by the House last November. We continue to look forward to working with the Senate on this much-needed legislation. In addition, I hope when we consider a conference report we will provide additional funds.

This is a good bill. Put together under difficult circumstances. I commend the gentleman from Virginia for his work in developing this bill.

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

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

Mr. WOLF. Mr. Chairman, I thank the gentleman for his comments. The relationship has probably been as good or better than it has ever been, so I appreciate the gentleman's comments. I hope we can continue this relationship for many more years.

Mr. ARCHER. Mr. Chairman, as the House takes up consideration of the fiscal year 1997 transportation appropriations bill (HR 3675), I want to explain the current law provisions governing expenditures from the Mass Transit Account and to clarify that HR 3675 does not amend current law with respect to those Trust Fund expenditures.

By way of background, the Committee on Ways and Means has jurisdiction over provisions which amend the Internal Revenue Code Trust Funds, including the Mass Transit Account within the Highway Trust Fund. The Committee's jurisdiction is not limited to the financing of the Trust Funds. The Committee's jurisdiction includes the expenditure purposes of the Trust Funds. The role of the Committee on Ways and Means over the expenditure purposes of the Trust Fund Code acknowledges the long-standing agreement that Trust Fund spending purposes should be approved by the Committee responsible for raising dedicated revenues.

The statutory provisions governing expenditures from the Mass Transit Account within the Highway Trust Fund were established in the 1982 Surface Transportation Assistance Act.

The Trust Fund expenditure purposes have been revised subsequently to reflect the purposes contained in authorizing legislation, most recently in the Intermodal Surface Transportation Efficiency Act of 1991.

The expenditure purposes of the Mass Transit Account are found in the Internal Revenue Code section 9503(e)(3) which provides that "(A)mounts in the Mass Transit Account shall be available, as provided by appropriation Acts, for making capital or capital-related expenditures before October 1, 1997—including capital expenditures for new projects—in accordance with \* \* \* [the 1991 Act and specified sections of Title 49] \* \* \* as such Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991." (Emphasis added.)

As my colleagues will note, the Internal Revenue Code is very clear that expenditures from the Mass Transit Account are limited to capital and capital-related purposes. Interpretations of current law or proposed law which would expand expenditure purposes of the Mass Transit Account to include transit operating expenses under the Section 18 Rural Assistance program are without statutory authority or Congressional intent. Finally, any new expenditure purposes from the Mass Transit Account would necessitate a conforming Internal Revenue Code amendment with the consent and approval of the Committee on Ways and Means.

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

Mr. Chairman, I ask to have the privilege of entering into a colloquy with the chairman of the subcommittee.

Mr. Chairman, as an early supporter of efforts to eliminate the Interstate Commerce Commission and to deregulate the motor carrier industry, I am committed to eliminating needless regulatory and paperwork burdens on that industry. As we know, last year Congress passed and President Clinton signed into law the Interstate Commerce Commission Termination Act, which eliminated virtually all economic regulations to the motor carrier industry. The Subcommittee on Transportation of the Committee on Appropriations played an important role in that process by eliminating the funding for outdated and unnecessary regulatory functions.

However, I am concerned that one burdensome and costly element of the old regulatory regime remains: the requirement for financial reporting. The original requirement for financial reporting was to facilitate the ICC's statutory obligation to review and approve a motor carrier's rates. That function, rate regulation, no longer exists, and consequently, there is no longer a need to file this data for regulatory purposes.

Federal law requires all trucking companies to have insurance or be approved as a self-insurer following a detailed financial review by USDOT. Neither of these provisions would be affected by eliminating financial reporting.

It is my understanding that the insurance companies do not rely on these

reports because they are able to get more current and useful information through their policy application process.

Mr. Chairman, while it would be my preference that we eliminate the requirement for financial reporting, I understand that the Department of Transportation currently is reviewing a number of reporting requirements, including financial reporting, with an eye toward streamlining those requirements.

Mr. Chairman, I hope we can direct the Department of Transportation to move expeditiously on that review, and to provide the Congress with justification for any continued requirement to provide financial information.

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

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

Mr. WOLF. Mr. Chairman, I share the interest of the gentleman from California. However, I am concerned that streamlining these reports could jeopardize or change the current levels of safety. As the gentleman knows, safety has been personally my number one and the number one issue for the gentleman from Texas [Mr. COLEMAN]. I believe the Department should include this aspect in its review, and the committee looks forward to receiving the information from the Department of Transportation and working with the gentleman from California.

Mr. PACKARD. I appreciate very much the gentleman's willingness to work with us.

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

Mr. Chairman, I would say to the chairman of the Subcommittee on Transportation of the Committee on Appropriations, I appreciate his acceptance in allowing this colloquy or short discussion.

I would also like to personally thank the chairman of the committee, the gentleman from Virginia, [Mr. WOLF] for his, at the outset, agreeability to looking at an issue that is very, very important to many people on this floor. It is also very important to our children and our grandchildren. That is the problem of illicit drugs coming into this country, both through our southwest border and through the Caribbean transit area through Puerto Rico and the Virgin Islands.

We also understand that the Coast Guard plays a very important role in the interdiction effort, and I would like to continue to work with the chairman to find ways we can increase efforts in interdiction; that the Nation must again identify and properly fund an effective drug interdiction effort, and especially in the Caribbean transit zone, as well as in the southwest portion of this country, and to look at the Coast Guard, how we can better work together and find those solutions.

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

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

Mr. WOLF. Mr. Chairman, I pledge I will give it every serious consideration. I commend the gentleman for his interest in this. I think Congress ought to know that the number of high school kids that are using drugs is probably much higher than we actually think. We had a drug conference in my district this past weekend with General McCaffrey and a number of other people. In some of the schools, the use of drugs is up to 60 and 65 percent. Drugs are running rampant in this country.

I do not know what the gentleman said is the best idea, but I will give it every consideration. I think the Congress, though, in dealing with this issue, ought to also look at the possibility of setting up strike forces which will go down into South America, into Bolivia, into Colombia, and into Peru, and seize the leaders of these drug cartels and bring them back to the United States, and put them on trial.

But I commend the gentleman for his efforts, and the effort of the gentleman from New Hampshire, [Mr. ZELIFF]. As the gentleman knows, we did note some of his concern and included certain items in the committee report. I will give this serious consideration.

Mr. HASTERT. Mr. Chairman, I thank the gentleman. The statistic is since 1992 to present there has been a 100-percent increase of teenagers that are on, for instance, just cocaine. I think it would be behoove everybody to study what is happening in some of the South American countries, and where there are successes and where there are not.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, he is exactly right. One study showed that when asked, in one area there were 34 percent of the children using drugs, and their parents were asked did they think drug use was around, and only 14 percent though drug use was around. So it is coming back big time, and spiking up. I thank the gentleman for raising this issue.

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

Mr. Chairman, I seek to engage in a colloquy with the gentleman from Virginia [Mr. WOLF], chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Due to an inadvertent error, the table on page 149 in the committee report indicates that funds allocated for Kalkaska, MI, are to be used for buses.

Will the gentleman agree that the committee in fact intended that the funds be used for an intermodal facility?

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

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

Mr. WOLF. Mr. Chairman, I agree with the gentleman that the funds provided for Kalkaska are to be used for an intermodal facility. I do agree with that.

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

Mr. Chairman, I would like to thank the gentleman from Virginia [Mr. WOLF] for his really fine work on this appropriations bill. I would like to take this time to voice my concerns regarding Amtrak's funding levels. Perhaps we can discuss it for a minute.

I am very disappointed with Amtrak's funding levels included in the House transportation appropriations bill. If enacted, these cuts in the operating capital funding for fiscal year 1997 will force Amtrak to close a number of routes and curtail infrastructure investment. Such drastic cuts will not allow Amtrak to reach its goal of self-sufficiency. To successfully accomplish this goal of self-sufficiency, while preserving the national passenger rail system, Amtrak must be provided with a secure and reliable source of capital funding.

My colleague, the honorable gentleman from Connecticut, NANCY JOHNSON, has introduced H.R. 2789, the Intercity Passenger Rail Trust Fund Act, of which I am a cosponsor. This bill would establish a dedicate trust fund which would allow Amtrak to decrease its reliance on Federal operating capital more rapidly. This trust fund is not a new tax, nor would it contribute to the deficit. Instead, H.R. 2789 would redirect one-half cent from the existing gasoline tax in the mass transit account of the highway trust fund into a dedicated capital fund for Amtrak.

Without a dedicated funding source, Amtrak will be completely dependent upon the less than certain actions of Congress. This uncertainty hampers the corporation's ability to enter into long-term contracts and move towards fiscal self-sufficiency.

□ 2145

In order to enhance safety, increase reliability, and reduce operating costs, Amtrak must be able to rely on consistent funding.

It is clear we all agree that Amtrak should be free of operating support and should have less dependence on Congress for its funding. However, without adequate capital funds or an alternative funding source now, Amtrak will forever be dependent on Congress and the taxpayers.

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

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

Mr. WOLF. Mr. Chairman, the gentleman is right, and just to make a couple of comments. We, the gentleman from Texas [Mr. COLEMAN] and I, working in a bipartisan way, the number one issue again that we dealt with was safety, safety whether it be Amtrak or safety whether it be the FAA.

Second, we did not fund the Northeast Corridor because Amtrak has about \$466 million that they have not used.

The gentleman raises a very good point, though, and I want to just put it

on the record and maybe to go even a little further than the gentleman did. Amtrak will not make it unless there is a dedicated revenue source, and I agree with the gentleman.

There is one thing, though, that I would caution on, and I have not looked at that legislation. There ought to be a half penny, a half cent for Amtrak, but it ought not be in competition coming out of mass transit. If we begin to do that, we are then going to be pitting the gentleman from Philadelphia, Mr. FOGLIETTA, and New York, and Chicago, and L.A., and San Francisco, and Houston, et cetera, et cetera, against Amtrak. So if we are going to have a half a cent dedicated, it has to be done in such a way that it does not come out of mass transit.

There is the opportunity for the one-half cent, but without a dedicated revenue source, Amtrak will not be able to rely on the appropriation process and it is going to fail. So if there is not one-half cent, Amtrak is going to do under.

Mr. CASTLE. Mr. Chairman, I appreciate the gentleman's caution about the half-cent source, and I do not disagree with that. I also appreciate the gentleman's great concern with this particular issue. I think it is going to take the efforts of all of us to come to the rescue, and in particular circumstance as we change away from operating to doing the capital funding. I think it can be done if we work together, and I absolutely believe it is a worthwhile cause. So I appreciate the gentleman's support.

Mr. WOLF. I thank the gentleman.

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

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

Mr. Chairman, there is currently a provision in the bill which could allow the United States Coast Guard to sell property in Wildwood, NJ, currently used for the Electronic Engineering Center. This would be devastating for Wildwood, because the property represents one of the last remaining undeveloped areas of natural coastline in southern New Jersey and maybe in the entire State and is very environmentally sensitive.

My community is very upset about even the potential of the Coast Guard selling this property. I understand it was proposed by the Coast Guard merely in order for them to help meet their budget targets.

While I understand that the Coast Guard has budget concerns, I am committed to finding a solution which is acceptable to the community as a whole and protects the normal government service administration real property disposal procedure, which offers the property to other Federal agencies first and is environmentally sound.

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

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

Mr. WOLF. Mr. Chairman, I appreciate the gentleman from New Jersey [Mr. LOBIONDO] bringing this to our attention. Coming originally from Philadelphia, I spent all of my summers down in Wildwood. The fact is I worked as a beach boy selling umbrellas in Wildwood one year, and I also worked in the amusement park in North Wildwood there, so I know the area that the gentleman is talking about. I appreciate him bringing this to my attention.

This year we are going to vacation, though, in Avalon. But the language that was included in the budget request is a way to save money. We were not made aware of the local opposition to the coast Guard's proposal until the gentleman brought it to my attention.

I understand the serious consequence of the proposal. I want to assure the gentleman that I will do whatever is necessary to address this problem in a manner that protects the normal GSA property disposal procedure and is satisfactory to the local community by the time this bill comes out of conference with the Senate.

I thank the gentleman for his hard work on this matter. In fact, if it were not for the gentleman bringing this to our attention, this could have sailed by. Without his intervention, I am sure the Coast Guard proposal would have received little scrutiny or analysis. Now that we are aware of the problem, we will work over the coming weeks with the gentleman and his staff to satisfy the community's concern as we work toward a final solution.

I would tell the gentleman, when he gets to Avalon, the best bake shop in Avalon is Kohler's. And if he gets a chance, stop by Kohler's.

Mr. LOBIONDO. I know the location well. I thank the gentleman, Mr. Chairman, for the assurance to do what is necessary to correct this problem. I look forward to working with the gentleman on this matter in a way which addresses the serious concerns of my constituents.

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

Mr. Chairman, I think there are many here in this body who did not know that the proposed regulation in the Federal Hazardous Materials Transportation Act in the 103d Congress will most likely cost the average farmer in America approximately \$3,200. The overall impact of the regulation could exceed \$7 billion.

The Department of Transportation has proposed a regulation that would supersede every State exception grant to the agricultural industry in transferring of agricultural production material from either retail to farm or farm to farm.

Besides the regulatory burdens of such a mandate, the enforcement is even less practical. Please note that most farmers take training classes to be certified every 5 years to even use

many of these chemicals. Most States have had in place for years exceptions that allow retailers and farmers to transport regulated agrichemicals to the farms without having to placard their trucks, carry shipments, documents, and provide a 24-hour emergency response phone number.

The rural local transportation of agrichemicals under these exceptions has allowed agribusiness and the farmers to move product efficiently and safely during the farming seasons. In fact, most of these chemicals are transferred during a short 2- to 4-week period. Without the same exceptions that have been granted to the industry in the transfer of such chemicals in the past, farmers will have had to abide by time-consuming, burdensome and costly regulations. Such regulations will not make our rural roads safer, but only increase the cost of doing business, cause confusion and require useless paperwork.

The penalty for not abiding by the regulations can run between a \$2,500 to a \$10,000 fine per violation.

Today I was going to offer an amendment that would simply have retained the current intrastate exceptions by limiting the use of such funds appropriated. The one-size-fits-all approach fails to recognize the unique seasonal and real nature of these businesses.

Second, by States already allowing such exceptions, they have weighed the concerns and found the risks to be minimal.

Finally, my amendment would have allowed each State to determine if they want to continue the exception for the transfer of such chemicals from retail to farm and from farm to farm if they so decide.

To those in this business, it is just another bureaucratic nightmare that the cost of such a proposed regulation outweighs the benefits. To me, this is a bigger and more intrusive government. We eliminated the Interstate Commerce Commission and deregulated the areas of the trucking industry. Now we must continue our efforts to lessen the regulations on farms who transfer these agricultural production materials 2 to 4 weeks a year.

I will be back to offer this amendment in a more appropriate vehicle and hope that my colleagues in the future will join in this endeavor to reduce the burdensome regulation from the Federal level. I look forward to working with the gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. COLEMAN] on this measure.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$5,574,000.

#### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

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

## TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed \$124,812,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

## PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(AIRPORT AND AIRWAY TRUST FUND)  
(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under subchapter II of chapter 417 of title 49, United States Code, as is payable by the Department of Transportation, \$10,000,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of \$10,000,000 for the Payments to Air Carriers program in fiscal year 1997: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under subchapter II of chapter 417 of title 49, United States Code, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further*, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of \$200 unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport: *Provided further*, That of funds provided for "Small Community Air Service" by Public Law 101-508, \$28,600,000 in fiscal year 1997 is hereby rescinded.

PAYMENTS TO AIR CARRIERS  
(RESCISSION)

Of the budgetary resources remaining available under this heading, \$1,133,000 are rescinded.

## RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space not to exceed 8,580,000 square feet and for related services assessed by the General Services Administration, \$127,447,000: *Provided*, That of this amount, \$2,022,000 shall be derived from the Highway Trust Fund, \$39,113,000 shall be derived from the Airport and Airway Trust Fund, \$840,000 shall be derived from the Pipeline Safety Fund, and \$193,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further*, That in addition, for

assessments by the General Services Administration related to the space needs of the Federal Highway Administration, \$17,294,000, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

## MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, \$1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$15,000,000. In addition, for administrative expenses to carry out the direct loan program, \$400,000.

## MINORITY BUSINESS OUTREACH

For necessary expenses of the Minority Business Resource Center outreach activities, \$2,900,000, of which \$2,635,000 shall remain available until September 30, 1998: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

## COAST GUARD

## OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; \$2,609,100,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and eighteen, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839.

## ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$358,000,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$205,600,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2001; \$18,300,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1999; \$39,900,000 shall be available for other equipment, to remain available until September 30, 1999; \$47,950,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1999; and \$46,250,000 shall remain available for personnel compensation and benefits and related costs, to remain available until September 30, 1998: *Provided*, That funds received from the sale of the VC-11A and HU-25 aircraft shall be credited to this appropriation

for the purpose of acquiring new aircraft and increasing aviation capacity: *Provided further*, That the Commandant may dispose of surplus real property by sale or lease and the proceeds of such sale or lease shall be credited to this appropriation: *Provided further*, That the property in Wildwood, New Jersey shall be disposed of in a manner resulting in a final fiscal year 1997 appropriation estimated at \$338,000,000: *Provided further*, That none of the funds in this Act may be obligated or expended to continue the "Vessel Traffic Service 2000" Program.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS  
(RESCISSIONS)

Of the available balances under this heading provided in Public Law 104-50, \$3,400,000 are rescinded.

Of the available balances under this heading provided in Public Law 103-331, \$355,000 are rescinded.

## ENVIRONMENTAL COMPLIANCE AND RESTORATION

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

## ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$16,000,000, 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) \$608,084,000.

## 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; \$65,890,000.

## RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$19,000,000, to remain available until expended, of which \$5,020,000 shall be derived from the Oil Spill Liability Trust Fund: *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.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the bill through page 10, line 20, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

## BOAT SAFETY

## (AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended,

\$35,000,000, to be derived from the Boat Safety Account and to remain available until expended: *Provided*, That, notwithstanding any other provision of law, \$5,000,000 is available only for the Coast Guard to establish a discretionary boating safety grant program.

POINT OF ORDER

Mr. COBLE. Mr. Chairman, I have a point of order against the language beginning with the colon on page 10, line 25 through "program" on page 11, line 3.

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

Mr. COBLE. Mr. Chairman, this provision sets aside \$5 million of the appropriation for recreational boating safety for the new discretionary boating safety grant program. This is not authorized by law and is contrary to the distribution of funds under existing law and, therefore, is in violation of clause 2 of rule XXI of the Rules of the House.

Mr. WOLF. Mr. Chairman, I rise to speak on the point of order.

Mr. Chairman, I can concede the point of order. The provision is legislation on an appropriations bill. However, I would like to explain that the committee feels strongly that the Coast Guard should be more active in using this grant program to promoting safety, rather than simply sending checks out by formula, as is currently the case.

I understand that this program must be reauthorized next year, and I would ask that the gentleman from North Carolina [Mr. COBLE] take a look at the establishment of the discretionary grant program which will receive strong consideration by the subcommittee next year going to reauthorization. Such a program will not cost any more money, and it could improve boat safety, because it would put money where the problem is.

Again, as the gentleman from Texas knows, we increased boat safety money by over 50 percent in this bill. We thought this way it would get the Coast Guard more involved to be much more aggressive working in the boat safety area.

Mr. COBLE. Mr. Chairman, I will be happy to engage in continuing that dialogue with my friend from Virginia on this issue.

Mr. WOLF. I thank the gentleman.

The CHAIRMAN. The point of order is conceded. The point of order is sustained. The provisions subject to the point of order are stricken.

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

Mr. Chairman, I would like to enter into a colloquy with the distinguished chairman of the Transportation Subcommittee, the gentleman from Virginia [Mr. WOLF].

Mr. Chairman, I noted with interest that the report accompanying H.R. 3675 refers to the vessel traffic service system, a VTS 2000. The committee denied the fiscal year 1997 funding request for the VTS 2000 and disallowed the use of the unallocated fiscal year 1996 funds

to continue development of the program.

This is a program in which government and industry have made significant investments. However, the system as now envisioned was not favorably considered by the committee. Nevertheless, the committee did suggest that the Coast Guard develop a follow-on program as soon as possible to avoid further delay in bringing this valuable technology to the Nation's ports and waterways.

I would hope that the distinguished chairman would favorably consider allowing the Coast Guard to use prior year funding to facilitate this effort.

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

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

Mr. WOLF. Mr. Chairman, I appreciate my distinguished colleague's remarks. The safety of our ports and waterways is of extreme importance, and this committee has always placed the highest priority on achieving a higher degree of safety. I note the gentleman's concern and assure him that the conference will weight it carefully in its deliberations.

Mr. WALSH. I thank the distinguished chairman for his kind consideration of this matter.

The CHAIRMAN. The Clerk will further read.

The Clerk read as follows:

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, \$4,900,000,000, of which \$1,642,500,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That notwithstanding any other provision of law, not to exceed \$30,000,000 from additional user fees to be established by the Administrator of the Federal Aviation Administration shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar for dollar basis as such offsetting collections are received during fiscal year 1997, to result in a final fiscal year 1997 appropriation from the general fund estimated at not more than \$2,127,398,000: *Provided further*, That the only additional user fees authorized as offsetting collections are fees for services provided to aircraft that neither take off from, nor land in, the United States: *Provided further*, That there may be credited to this appropriation, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of

air navigation facilities and, for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificate, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds derived from the Airport and Airway Trust Fund may be used to support the operations and activities of the Associate Administrator for Commercial Space Transportation.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the last word and engage the Chairman of the Transportation Subcommittee in a colloquy.

Mr. Chairman, the FAA's Mike Monroney Center in Oklahoma City is the Nation's premier air traffic controller training center. The FAA recently rewarded a contract to the University of Oklahoma, under an open competitive process and open evaluation procedure, to conduct air traffic controller training at the Monroney Center.

At a time when the public is particularly concerned about air traffic safety standards and the procedures that support those standards, I would like to confirm, Mr. Chairman, that the 1997 transportation appropriation includes sufficient funds to fully implement this FAA contract, and that this much-needed training can go forward at the Monroney Center.

□ 2200

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

Mr. WATTS of Oklahoma. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for bringing this to our attention. The air traveling public relies to a great extent on the quality of the training of our air traffic controllers.

I assure the gentleman from Oklahoma I will work with him to assure that the final appropriation level provides adequate funding for this contract, while not undermining support for the MARC program in Minnesota. I believe this can be accomplished, and I will work with the gentleman to achieve that goal as we go through the process. I appreciate the fact that he was alert and caught this. I thank him very much. We will work together to solve the problem.

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the chairman for that assurance and I appreciate his efforts.

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



Mr. WATTS of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. LUCAS. I thank my colleague for yielding.

Mr. Chairman, I rise to compliment the gentleman from Oklahoma [Mr. WATTS] for bringing up this matter, and I thank Chairman WOLF for allowing the colloquy. I would like to associate myself with the remarks made by Mr. WATTS, and would like to reiterate my support for retaining the \$1.7 million for the academy in Oklahoma City. I hope this can be addressed during conference and that Members will the language in last year's conference report.

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

Mr. Chairman, I seek this time to bring to the attention of the distinguished subcommittee chairman a matter of great concern to many of my constituents.

First of all, I would like to say I am a supporter of the mission of the Coast Guard. They do good work. They have saved many lives and prevented injuries to people and prevented property damage by their fine efforts. However, I believe the Coast Guard has overreached in one area, that is, its efforts to enforce the Commercial Fishing Vessel Industry Safety Act.

Specifically, Mr. Chairman, the Coast Guard has issued regulations which are totally inflexible. They do not distinguish between large, deep water boats that operate all year and boats that are 50 feet or less in length, carry three or fewer people, stay 12 to 50 miles offshore, and operate only in the less dangerous summer fishing season.

These regulations are so complex and extensive that compliance is virtually impossible. One particularly egregious example is the requirement that these vessels be equipped with a life raft, sold only by 1 manufacturer, that is extremely costly.

I also question, Mr. Chairman, the way in which these regulations are being enforced. Coast Guard personnel on the West Coast have harassed law-abiding commercial fishermen by conducting armed safety inspections at sea.

This show of force is, in my view, unnecessary—and that is as a former police officer and deputy sheriff—and places an unproductive burden on these individuals who are already having a hard time making a living. One alternative approach apparently not given serious consideration by the Coast Guard is voluntary dockside inspections with fix-it type tickets instead of fines.

Mr. Chairman, the important commercial fishing industry along California's north coast is suffering already from a downturn in the industry and, in my view, overregulation by the Federal Government. I call this to your attention so that the chairman and his subcommittee can be aware of how some of the Coast Guard's resources are being applied.

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

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

Mr. WOLF. Mr. Chairman, I appreciate the gentleman bringing this to our attention. As the committee proceeds in its oversight of the Coast Guard's budget, we will review the practices that he highlighted.

Mr. RIGGS. Reclaiming my time, I thank the chairman for his concern.

Mr. Chairman, I submit for the RECORD two news items reflecting the problems that commercial fishermen are facing, and which I discussed in this colloquy with the distinguished subcommittee chairman this evening:

[From the Times Standard, May 21, 1996]  
COAST GUARD BACKS AWAY FROM FACEOFF  
WITH FISHERMAN

SANTA CRUZ.—The U.S. Coast Guard backed away from its standoff with a fisherman who claimed a routine boat inspection would violate his constitutional rights.

The case was turned over to the Justice Department and the Coast Guard took no action against Jim Blaes of Atascadero, who had refused to allow a safety inspection of the 36-foot Helja.

"Our latest tactic is that we are going to leave him alone and let the Justice Department handle it," Coast Guard Chief Warrant Officer Jerry Snyder said Monday afternoon. "The boats are breaking off right now."

The bizarre face-off between the Coast Guard and Blaes began Sunday afternoon, in clear sight of beachgoers crowding the Santa Cruz boardwalk.

Blaes refused to allow Coast Guard officers aboard for the inspection, saying he viewed his boat the same way he felt about his home ashore and insisting the Coast Guard needed a warrant.

"Just because I make my living at sea doesn't mean I give up my constitutional rights," he said. "I have never been in trouble. I'm not holding anybody hostage or anything."

Blaes piloted the Morro Bay-based Helja out of the harbor Monday morning with the Coast Guard cutter Chico and a smaller boat trailing.

I just want to be left alone and have them stay out of my face," Blaes said in one of a number of cellular telephone interviews with area reporters.

Blaes said he had a handgun aboard, but said it was for protection from sharks. He said he was "absolutely" not a member of a militant group.

"I will not allow my civil rights to be violated," Blaes said earlier in a call monitored by reporters. "I think enough of the Constitution of the United States to give up my life for it. If you think enough of it to give up your life to violate it, then come ahead."

[From the Times Standard, May 23, 1996]  
LOCAL FISHERMEN SAY COAST GUARD PESTERS  
THEM IN INSPECTIONS  
(By David Anderson)

EUREKA.—The standoff between a Morro Bay salmon fisherman and the Coast Guard reflects long-standing frictions between fishermen and the federal government, fishing industry spokesmen say.

But a Coast Guard officer said the Santa Cruz incident, in which fisherman Jim Blaes refused to let a Coast Guard boarding party on his boat earlier this week, was an irrational response to a routine situation. Boarding rights are long established in law, the officer said, and are necessary to the Coast Guard's law enforcement rule.

Officials of the Pacific Coast Federation of Fishermen's Associations, in Eureka, on Tuesday, disagreed.

"Most of the fishing fleet is fed up with the bureaucracy and the regulations they encounter almost daily," federation President Pietro Parravano said. "We understand the need for and support measures necessary to protect our fish stocks and regulations essential to safety at sea."

"But it is frustrating when the government is all over our boats looking for the slightest infraction of any kind."

Zeke Grader, executive director of the fishermen's federation, said the boarding of fishing vessels has long been a sore spot. Fishermen contend that their boats should enjoy the same Fourth Amendment protections against warrantless searches as private residences.

Grader compared the boarding of a fishing boat to conduct safety inspections with an intrusion of firemen into a home to inspect smoke alarms.

"It really doesn't matter whether they're courteous or not, or whether fire prevention is a laudable goal," Grader said. "The fact is, there are intruders in your house and your privacy has been violated."

Coast Guard Cmdr. John Miko said vessels at sea never have or could have the immunity from search that private residences enjoy. Laws dating back to the 1790s, constantly upheld in court rulings, affirm that the Coast Guard has the right to stop, board and search any vessel in U.S. waters and any U.S. vessel on the high seas. The Coast Guard does not require court-issued warrants or "probable cause" to believe a crime is being committed, he said.

All maritime nations have similar laws, Miko noted.

"Without that right, there's no way law could be enforced at sea," he said. "That's been recognized by courts throughout history."

The Coast Guard is charged with preventing smuggling of illegal immigrants, drugs and other contraband; enforcing fishing regulations; conducting safety inspections; and other law enforcement duties, he said. All these require boarding and inspecting boats.

Jimmy Smith, president of the Humboldt Bay Fishermen's Association, said his members' disagreements with the Coast Guard are at the national, not the local level.

"The guys at the Humboldt Bay station are terrific," Smith said. "We have a great relationship with them and they really extend themselves to help us. Our problems are all with Washington."

Smith said the fisherman's federation has proposed alternatives to safety inspections at sea, but that the Department of Transportation—which includes the Coast Guard during peacetime—rejected them.

Boat owners can volunteer for safety inspection in port, Miko said, but a boat is only required to have safety equipment when it's at sea.

"You can't cite someone for not having it when they're tied up at the docket," He said.

Fishermen also question the necessity and efficacy of some of the safety equipment they are required to carry, Smith said.

The equipment is recommended by a national fishing vessel safety committee on which safety equipment manufacturers are represented, but not small-boat owners, he said.

The committee has declined to consider less-expensive methods of improving safety at sea, Smith said. The equipment the committee recommended, which is now required, is invariably expensive and doesn't always work well, he said.

AMENDMENT OFFERED BY MR. OBERSTAR

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

The Clerk read as follows:

Amendment Offered by Mr. OBERSTAR: Page 11, line 17, before “, of which”, insert the following: “(increased by \$1,000,000)”.

Page 36, line 23, after the dollar amount, insert the following: “(decreased by \$1,000,000)”.

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

Mr. OBERSTAR. Mr. Chairman, this amendment would take \$1 million from the \$40 million appropriation the bill provides for the Office of Inspector General of the Department of Transportation and transfer that \$1 million to the Operations account of the Federal Aviation Administration to increase the funding for FAA training of its inspector work force. This amendment responds to concerns expressed by the Inspector General herself, it responds to concerns and alarms expressed nationwide in the aftermath of ValuJet and to concerns that I expressed over 2 years ago about the adequacy of FAA's inspector work force in inspecting new entrant carriers.

The President's budget for the Inspector General's office included \$1.9 million for that office to contract out with other government agencies to conduct audits of DOT programs. The Appropriations Committee bill cut the President's request for the Inspector General by \$321,000 and, concurrently, prohibited the Inspector General from contracting for audits. The Appropriations Committee instead directed DOT's various operating units to pay the cost of these contract audits out of their own funds. The result is that the Committee on Appropriations has relieved the IG of expenses totaling \$1.9 million for audit contracts but they reduced the IG's funding by only \$321,000. The net effect is that the office of the IG has \$1.6 million in excess funding over what the administration requested. This excess amount, \$1 million of it, is what I target in this amendment to be transferred to a function that the IG's office itself, the General Accounting Office, and our Committee on Transportation and Infrastructure in our hearings in this Congress and the previous Congress have identified as crucial.

I was astonished when I looked closely at the IG's office to find that they have 440 full-time equivalent employees. That is more, by almost 100 employees, than the entire National Transportation Safety Board has. I question the need for such a large staff when DOT and its various modal administrations are already under scrutiny and oversight by the National Transportation Safety Board, by the General Accounting Office, and by the Congress.

An internal watchdog agency certainly is necessary within the Department to keep all modal administrations on the straight and narrow. We need to have adequate funding for that function, and provide effective oversight. But in these times of fiscal con-

straints, when money is being shifted very tightly among accounts, where we have to come in, we in the authorizing committee, and identify needs that require more funding and then take it from the existing pot, here is a piece of the existing pot that has an excess amount of money, no purpose for it has been identified, and shift that money to where it will do an enormous amount of good.

The committee has already made a number of increases in the funding for the account, the operations account of FAA, but not for this training function. The need is real. I want to take a moment to just explain how real and how important.

Over the last 10 years, GAO, the Inspector General's office, internal FAA groups, and our own Committee on Transportation and Infrastructure have focused on needs for technical training within the FAA, training for its inspectors.

In 1989 and in 1992, GAO and the IG respectively reported that inspectors who did not have appropriate training or current qualifications were doing flight checks of pilots. An operations inspector asked for Airbus 320 training when a carrier he was responsible for training began using that aircraft. He did not get that training until 2 years after that air carrier went out of business.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. OBERSTAR] has expired.

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

Mr. OBERSTAR. Another maintenance inspector responsible for overseeing air carriers and repair stations that operate 737s, 757s, 767s, and McDonnell Douglas MD-80s said he had not received a course on maintenance and electronics in 5 years. There are rampant training deficiencies that exist because they do not have enough money to do that training. This \$1 million is only a part of the \$8 million that GAO said is needed to meet the unfunded training needs for the FAA.

All of us fly in this body. All of us take aircraft, whether major airlines or commuters or regional carriers. We all want to know that those carriers are being inspected carefully, responsibly and effectively and that those aircraft are safe and that they are being maintained in a safe manner.

Members who believe that ought to support this amendment, to shift the money where it will do a great deal of good into the training function, provide adequate training and recurrent training for maintenance and avionics inspectors in the FAA to oversee those air carriers, especially the new entrant carriers. That is where the need is. That is where the contracting out of maintenance is being done and where it is not being adequately supervised with people who have adequate training. A modest \$1 million out of this excess amount in the office of IG will address

this vital funding deficiency. I urge support for my amendment.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to this amendment.

First of all it does not put the money in training. It can be used for coffee, cokes, travel, or anything else.

Second, it would viewed as a way of punishing the inspector general for giving the opinions that Congress may not like. I have not always agreed with the IG's of the Department. But if they start doing that and we do not like what they have done, it looks like we are punishing the IG for their opinions which could be a grave mistake. We ask for them to be impartial, we ask for them to be independent, we ask for tough opinions, and then if we punish them, the political process stands this whole ethical thing upside down. This would undermine the IG process, not only in this department but governmentwide. It would send a devastating message to IG's everywhere. They would say, “Uh-oh. We give a report, they don't like it, we better be careful, we're going to get a budget cut. It would be very, very bad. Don't rock the boat. They're going to offer an amendment. They're going to cut my appropriations.”

If we adopt this amendment, we are punishing the IG who raised the whole issue of ValuJet. Maybe the FAA should have listened to here before they did it. You recall Secretary Peña got up and said ValuJet is wonderful. They went on and on. This IG is the one who brought this to our attention.

Second, this is the IG that brought out the training problems which ended up in Gregory may, New Age cult-like, going to jail. This IG, for those of you who fly, is the one who found out and raised the issue of bogus parts, that are now being used in major airlines which may very well result in airplanes crashing. This IG is the one that came out with the diversion of money from airports around the country.

I just think it would be sending a message to the American people that here is an IG that the gentleman, and I know he does not mean this in a mean-spirited way, does not agree with her, maybe there are times that I will not agree with her, but just because they come up with this idea, you punish them.

The IG's budget is not fat. In fact over the past 3 years the IG has taken a 40-percent reduction in administrative staff, more than any other part of the Department of Transportation. Let me just say it again. The IG has taken a bigger hit than any other area of the Department of Transportation. They have taken an overall cut of 11 percent in staffing. Again, more than any other area. They have met the President's downsizing goals 3 years ahead of schedule. In fact, this administration, some may say, has been unfair to the IG. This is what she said during the hearings:

We led the department in meeting the Vice President's reinventing government



downsizing goals. Instead of being rewarded for that, we were on many cases heaped with more cuts. We think those additional cuts were unfair because we willingly, and quite in advance of the rest of the department, took those cuts that the rest of the government was supposed to be taking. Unfortunately, it only worked to our disadvantage.

It is lean, it is careful, the appropriation is already 2 percent below last year's level, 1 percent below the administration's request.

□ 2215

Keep in mind, OMB already reduced the IG's request for the internal budget process by \$1.4 million. I know what the gentleman is trying to do, or at least I think I do, but this would be chilling. If this were to pass, no IG in the government could ever honestly and legitimately feel that they could give an honest opinion, because then they know that when their budget comes up, that if somebody were angry at them, that they were going to cut their budget.

Mr. Chairman, I strongly oppose the amendment. We can almost argue that this is a major safety issue. This is a safety amendment, in some respects. The gentleman's amendment does not put it in training. It can be used for bonuses, it can be used for anything else. This IG's office has been the one on ValuJet, the one on bogus parts and on many others, and I urge the defeat of the amendment because we do not want to punish anybody for being honest and courageous and candid.

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

Mr. Chairman, I rise in strong support of the amendment offered by the ranking member of the Committee on Transportation and Infrastructure, Mr. OBERSTAR.

Tuesday, the House Aviation Subcommittee held an 8-hour hearing on issues raised by the crash of ValuJet flight 592. In preparing for the hearing, we took a long look at the FAA and its inspection program. We recognize that there is a need for improvements in the system, and this amendment is intended to give the FAA the resources it needs to make those improvements.

The amendment offered by the gentleman from Minnesota increases the appropriation for FAA operations by \$1 million, and our expectation is that this additional funding will be dedicated to airline safety inspector training.

This \$1 million increase for inspector training will be possible through a reduction in funding for the Department of Transportation inspector general's budget from \$40 million to \$39 million. The Office of the Inspector General has publicly stated the need for improved inspector training. This amendment makes that possible.

Currently, the IG's office is funded at a level to provide 440 full time equivalent employees. Compare this figure with the 350 full time equivalents currently at the National Transportation Safety Board. While I recognize the im-

portant work done by IG's in every Federal agency, it seems excessive to me to have almost 100 more employees in the IG's office at DOT than are employed at the NTSB.

Mr. Chairman, the inspection program at the FAA needs to be adequately funded to do its critical work. This slight increase in funding today may well save lives tomorrow. If you believe that the FAA's inspectors should have training, you should support this amendment.

Mr. Chairman, while I have the floor, I would like to take a moment to call to the attention of my colleagues some of the inspector general's statements at Tuesday's hearing. In the course of her remarks, she left the strong impression that Secretary of Transportation Peña was the subject of a criminal investigation relative to the ValuJet accident. Even when my good friend Chairman Duncan warned her that she might be giving a false impression and gave her the opportunity to clear it up, she simply said that she could not say anything more.

Mr. Chairman, creating the impression that the Secretary of Transportation is criminally culpable, is a very serious action, and anyone who falsely does so should be held responsible. As you would expect, the impression left in fact turned out not to be correct. Later that day, the deputy inspector general and the assistant inspector general for investigations, both long-time career officials, issued public statements that the Secretary of Transportation is not, and has not been, a subject of investigation.

It is one thing to call public attention to safety problems with the FAA. It is entirely another thing to make outrageous, exaggerated claims about a public official. There were plenty of other examples from our hearing of what I find to be unconstructive comments by the inspector general, but I felt this one should be highlighted for all the Members of this body.

Mr. Chairman, I also would like to mention the fact that I personally asked her to name the other airlines that she felt were unsafe. She refused to do so; even when I asked her to protect the American flying public that she owed that answer, she refused to do so. The great concern she had about ValuJet she failed to communicate to the head of the FAA, to the Secretary of Transportation.

I believe that, unfortunately, we are dealing with someone here who is making charges but refuses to back up the charges and does not really carry out her duty, and I think this \$1 million reduction in her budget moving to the FAA is definitely warranted.

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

Mr. Chairman, let me only echo some of the statements made by the chairman, the gentleman from Virginia [Mr. WOLF]. We have a good deal of concern in our committee that, as I know all

appropriation subcommittees do and all authorizing committees do, that all inspectors general retain their independence, maintain their capability to give reports to those who ask for them in an honest and straightforward way.

My understanding of the Oberstar amendment was not in any way directed toward this specific inspector general to suggest that there should be some form of punishment. I think the chairman alluded to use the word "punishment" of an individual or of a specific office because we might not like her report. I hope that is not the case.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. OBERSTAR] so that he could clarify that point if he would like.

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

Mr. Chairman, I want to make it very clear, this is not punishment. This is not chilling. There is \$1,900,000 more than the President's request in this account, a \$321,000 cut, a net of \$1.6 million not identified, not targeted, no explanation, no justification, and over here on the other side is the FAA with a need for training.

The chairman knows that under the rules of engagement in the appropriation process, I cannot identify a specific account in designating this \$1 million and shifting it. So that is why we are having this dialog, to make it very clear that this money goes for training of those inspectors who are the very ones charged with the responsibility of overseeing new-entrance carriers and who need training in those specific areas that I mentioned.

If one is trained on DC-9's and is suddenly assigned to inspect aircraft or airlines that are flying 737's, or 757's or 767's, one needs training in that arena. This account does not have that kind of funding. In fact, it is \$8 million short, by GAO standards, of the amount of training needed for those inspectors.

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

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

Mr. WOLF. Mr. Chairman, I just want the body to know, though, that this is the IG that broke the story that was in Business Week 3 weeks ago showing that many of the major airlines unknowingly are using bogus parts that are potentially very dangerous. What if she did not have the money to do that and we did not know and an airplane crashed?

This is the IG that has been the subject of raising very valid issues with regard to ValuJet. I take the gentleman at his word, but having been a Government employee, having worked for the Government for a number of years, believe me, it would be chilling if one were a Government employee.

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

Mr. COLEMAN. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, on that score, it was the Subcommittee on Aviation and prior to that the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation that uncovered the bogus parts issue in great depth and had documentation on it, brought it up with the IG who said, "Oh, we are on to this issue also. We have some criminal investigations underway." This is over 2 years ago. Three years ago prior to that our committee was onto this issue.

I cast no aspersions on the IG, but much of what the IG's office has uncovered and has taken credit for the appropriate and responsible committees of the house and the Senate have already been focused on.

Mr. COLEMAN. Reclaiming my time, let me only suggest that in any event, should the Committee of the whole make a determination that we wanted to shift \$1 million from one account to another, I think all of us would agree that the goal of the House of Representatives is to do what this amendment seeks to do, and that is to provide the necessary dollars to get the necessary training in the new technologies for those personnel that we ask to be certified in order to get the additional training for FAA certification.

So I would hope that the Members, whether they agree to shift this \$1 million from the accounts that the author of the amendment would suggest or not, understand that and I know it will be the intention of the gentleman from Virginia [Mr. WOLF] and me in the conference. We do not know, of course, what any Senate numbers are and what they will be of the other body. So I think that we will certainly be looking to do all that we can possibly do in trying to get the kind of certified staff the training they need to ensure their competence in new technologies.

I hope that the minority in this House will help enhance the safety of the traveling public by adopting the Oberstar amendment. As I say, in conference, whether we do or we do not make this shift from the IG's office is not really of paramount importance.

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

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

Mr. MENENDEZ. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Minnesota [Mr. OBERSTAR].

It promotes safety. It does so by shifting only about 2.5 percent of the IG's budget to a side of the budget that clearly, both in the ValuJet hearings and at other times, have been raised as a real concern, which is the training of safety inspectors and what that means to the traveling public.

Mr. Chairman, I think that he is right on point in that regard, and I associate myself with his remarks and

those of the gentleman from Illinois, [Mr. LIPINSKI] the ranking member of the subcommittee on aviation. But I think having heard some of the comments, it is often a good trial tactic to raise questions about chilling effects, and anybody's budget who is cut or somehow altered can claim that they are going to have a chilling effect.

It was interesting to me to hear the IG come before the committee and in her comments say, "Well, I hear that I am here because Members want to get a piece of my hide," and in doing that, it is sort of like chilling the members of the committee not to raise certain questions or, in this case, chilling the members of this body not to consider a serious and well-thought-out amendment.

During the hearings on safety issues raised by the ValuJet accident, and I am sure that the body is aware of the allegations made by the Inspector General of the Department of Transportation, this individual stated that the Everglades crash was preventable and that the DOT IG office had made six reports which pointed out the problems. The testimony to me sounded heroic and prophetic.

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But under scrutiny it was merely the verbal tricks of a false profit. Under questioning from me and others, I asked the IG if she had ever raised these questions with Secretary Pena or Administrator Hinson. The answer was no, No.

Would any Member of this body in possession of information that would have prevented an airplane crash hesitate to raise this issue and call for a meeting? There were no meetings because there were no unheeded predictions. The notoriety of the IG is based on vague generalizations that could have applied to any accident. It is an old trick to boldly assert the vague and then take credit for special insight when anything remotely related occurs.

If that was not bad enough, the DOT IG then relied on the tactics of the witch hunter by making vague references of criminal investigations and by innuendo casting a false light on Secretary Pena and the FAA. This IG then demonstrated, I think, the most blatant attempt for Congress by refusing to elaborate because of the pendency of an alleged criminal investigation.

Well, let us talk about the facts. The fact is that Inspector Generals are not empowered to make criminal investigations. They have no independent criminal prosecutorial authority. They can make recommendations when the have evidence of waste, fraud or abuse, just like any other citizen can, but they have no special privilege to refuse to answer congressional inquiries.

Fact. Subsequently, the Assistant IG for Investigations of the DOT issued a clarification that "The Secretary is not and has not been a subject of the investigation."

I think that the carnival atmosphere that we saw in the committee and this whole way the person who we believe should be the voice of investigating has created around the ValuJet has a downside. Given the pendency of litigation related to the grounding, I think the injudicious remarks of the DOT IG may have totally compromised and prejudiced the case, hardly the result a true investigator or a guardian of the public's safety and want.

I believe the Committee on Transportation and Infrastructure should compel the IG's testimony that she refused to give us. She has made a lot of broad statements. I think we should see the specifics. But until such time as the committee acts to get answers, I believe the Oberstar amendment is totally appropriate by providing the resources to airline safety inspector training that clearly was identified as one of the major issues, whether it be ValuJet or a problem of the FAA in general. And that is the essence of his amendment and, in fact, we should proceed forward with it.

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

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

Mr. COLLINS of Georgia. Mr. Chairman, I thank the gentleman for yielding. Was it not true within the hearings, irregardless of what the IG insinuated or what others may have insinuated, the preliminary report by the National Transportation Safety Board clearly states that they do not think it was the fault of ValuJet for the accident that happened in the Everglades, but that of a mistake of an out source contractor?

Mr. MENENDEZ. Mr. Chairman, reclaiming my time, it certainly appeared, although the National Transportation Safety Board has not given a final answer, it certainly appeared from the testimony that was elicited this was not a question per se, on this specific incident, of the question of the safety issues but rather a question of the canisters put on board.

Mr. Chairman, I think we should be supporting the Oberstar amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. WOLF. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR] will be postponed.

The point of no quorum is considered withdrawn.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I move to strike the last word.

Mr. Chairman, Amtrak is an essential part of our National Transportation System, providing 22 million

inner-city passenger trips per year with over 500 destinations in 45 States. Last year the Congress and the administration agreed that Amtrak must reduce its reliance on Federal funding.

The budget resolution and the authorization directed Amtrak to operate without Federal funding support by the year 2002. However, as you are aware, the funding recommendations in this bill are below the authorization levels that is in the budget resolution and the level Amtrak says it needs to stay on the path to operating self-sufficiency.

Between 1995 and 1997, Amtrak received \$1.2 billion less than their proposed transition plan called for. Unfortunately, next year's capital funding level is again drastically cut and inadequate to sustain Amtrak's capital expenditures.

To facilitate Amtrak's transition off Federal assistance I have introduced H.R. 2789, creating a dedicated funding source for Amtrak which would allow it to make the necessary capital infrastructure investments during this period of transition.

H.R. 2789 does not create a new tax, does not increase the deficit, and does not cut any other programs. With an estimated \$4 billion needed for capital improvements, H.R. 2789 will allow Amtrak to improve its rolling stock, upgrade its maintenance facilities and prevent the deterioration of track and signal equipment. These improvements will cut Amtrak's cost to customers, to consumers, reduce air pollution, fuel consumption, highway congestion, and urban parking problems.

We can make Amtrak self-sufficient, but only if we adhere to our budget plan transitioning Amtrak off Federal assistance and only if we create a temporary capital funding source for investment.

On a final note, Mr. Chairman, the Senate recently passed a sense of the Senate resolution in support of this proposal. I bring it up here tonight on the floor of this House because in this transportation bill the capital funding for Amtrak is so significantly cut that Amtrak will be unable to make the transition to self-sufficiency.

If working cooperatively with the appropriation in this bill this Congress can pass the Amtrak capital fund, then we can, over years, enable Amtrak to become completely independent of Federal funding and be a first class rail service for passengers in America.

Mr. Chairman, I thank the chairman, the gentleman from Virginia [Mr. WOLF], for his concern and his interest in Amtrak and for his work with me on this important issue, and I understand perfectly the problems that he has faced in this appropriations bill. I only ask that he and my colleagues help me in this effort to develop a capital fund for Amtrak to enable it to achieve our goal and its goal of independence of Federal funding.

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

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentlewoman raises a very good point. As I said earlier when the gentleman from Delaware [Mr. CASTLE] asked me the question, unless there is a dedicated revenue source for Amtrak in the next several years, Amtrak will not make it.

So the gentlewoman is exactly accurate, as we consider the proposal, though, we have to be careful not to take money from the mass transit account. The gentlewoman makes an excellent point.

Mrs. JOHNSON of Connecticut. Mr. Chairman, reclaiming my time, I thank the gentleman. As we work through this transportation appropriations bill, I hope my colleagues will recognize that we have another piece of it to come forward.

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

Mr. Chairman, I simply want to express my appreciation to the chairman of the subcommittee for his recognition of the essential need for a source of capital funding for Amtrak and for his support of the concept of a dedicated revenue stream and to also express my agreement with the gentlewoman from Connecticut when she talks about the necessity for adequate capital funding for Amtrak.

This country went through a long period of time in which we left railroads, in which we were heavily subsidizing the highway system and leaving railroads to their own devices, and when we subsidize one form of transportation and not another, and it is not a level playing field, we end up with an imbalanced transportation system.

What we need in this country is a balanced transportation system in which people who want to go from one city to another do not have a choice only between a car or an airplane. We need trains, we need airplanes, we need Amtrak, we need cars, we need all of it. We need rail freight efficiency, we need a good highway system, and we have been very imbalanced.

I hope that we can, working together, develop an adequate capital funding stream for Amtrak, because otherwise it will deteriorate. It has already been deteriorating. The routes are fewer than they have been. Many cities are being cut off, and we ought to have an adequate passenger rail transportation system. It ought to have a dedicated capital funding stream. It ought to have a dedicated operating funding stream.

I support the efforts of the chairman and of the gentlewoman from Connecticut, and I hope we will in the ensuing months pay more close attention to this than we have in the past, because a healthy rail transportation system both for freight and for people, a healthy AMTRAK, is essential to the efficient operation, the efficient operation of the economy of this country and the economic growth of this country, not to mention the well the well-being of its citizens.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the bill, through page 26, line 24, be considered as read, printed in the RECORD, and open to amendment at any point.

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

Mr. FILNER. Mr. Chairman, reserving the right to object, I ask the gentleman from Virginia [Mr. WOLF], would that still give me the chance to offer an amendment at page 23?

Mr. WOLF. If the gentleman would yield, that is correct.

Mr. FILNER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request to open up that portion of the bill?

There was no objection.

The text of the bill from page 13, line 10, through page 26, line 24 is as follows:

#### FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, \$1,800,000,000, of which \$1,583,000,000 shall remain available until September 30, 1999, and of which \$217,000,000 shall remain available until September 30, 1997: *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.

#### RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$185,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1999: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

#### GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations, \$1,500,000,000, to be derived from the

Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$1,300,000,000 in fiscal year 1997 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code.

#### AVIATION INSURANCE REVOLVING FUND

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

#### AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this heading during fiscal year 1997.

#### FEDERAL HIGHWAY ADMINISTRATION LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed \$510,981,000 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 \$214,698,000 of the amount provided herein shall remain available until September 30, 1999.

#### 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, \$2,049,000 to 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 \$17,550,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1997.

#### 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, \$19,800,000,000 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)

None of the funds under this head are available for obligations for right-of-way acquisition during fiscal year 1997.

#### MOTOR CARRIER SAFETY GRANTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, \$74,000,000, 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 \$77,425,000 for "Motor Carrier Safety Grants".

#### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

##### OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under part C of subtitle VI of title 49, United States Code, and chapter 301 of title 49, United States Code, \$81,895,000, of which \$45,646,000 shall remain available until September 30, 1999: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

##### OPERATIONS AND RESEARCH (HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240), to be derived from the Highway Trust Fund, \$50,377,000, of which \$27,066,000 shall remain available until September 30, 1999.

#### HIGHWAY TRAFFIC SAFETY GRANTS

##### (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, chapter 303 of title 49, United States Code, and section 209 of Public Law 95-599, as amended, to remain available until expended, \$167,100,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1997, are in excess of \$167,100,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which \$127,700,000 shall be for "State and community highway safety grants", \$2,400,000 shall be for the "National Driver Register", \$11,000,000 shall be for highway safety grants as authorized by section 1003(a)(7) of Public Law 102-240, and \$26,000,000 shall be for section 410 "Alcohol-impaired driving counter-measures programs": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed \$5,268,000 of the funds made available for section 402 may be available for administering "State and community highway safety grants": *Provided further*, That not to exceed \$150,000 of the funds made available for section 402 may be available for administering the highway safety grants authorized by section 1003(a)(7) of Public Law 102-240: *Provided further*, That the unobligated balances of the appropriation "Highway-Related Safety Grants" shall be transferred to and merged with this "Highway Traffic Safety Grants" appropriation: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-impaired driving counter-measures programs" shall be available for technical assistance to the States.

#### FEDERAL RAILROAD ADMINISTRATION

##### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$16,469,000, of which \$1,523,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

##### RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, \$51,407,000, of which \$2,476,000 shall remain available until expended: *Provided*, That notwithstanding any other law, funds appropriated under this heading are available for the reimbursement of out-of-state travel and per diem costs incurred by employees of state governments directly supporting the Federal railroad safety program, including regulatory development and compliance-related activities.

##### RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$20,341,000, to remain available until expended.

##### HIGH-SPEED RAIL TRAINSETS AND FACILITIES

For the National Railroad Passenger Corporation, \$80,000,000, to remain available until September 30, 1999, to pursue public/private partnerships for high-speed rail trainset and maintenance facility financing arrangements.

##### RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1997.

##### NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for Next Generation High-Speed Rail studies, corridor planning, development, demonstration, and implementation, \$19,757,000, to remain available until expended: *Provided*, That funds under this head may be made available for grants to States for high-speed rail corridor design,

feasibility studies, environmental analyses, and track and signal improvements.

TRUST FUND SHARE OF NEXT GENERATION  
HIGH-SPEED RAIL  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(HIGHWAY TRUST FUND)

For grants and payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, including planning and environmental analyses, \$2,855,000, to be derived from the Highway Trust Fund and to remain available until expended.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, \$4,000,000 to be matched by the State of Rhode Island or its designee on a dollar for dollar basis and to remain available until expended: *Provided*, That as a condition of accepting such funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first \$10,000,000 in damages resulting from the legal action initiated by the P&W Railroad under its existing contracts with Amtrak relating to the provision of vertical clearances between Davisville and Central Falls in excess of those required for present freight operations.

DIRECT LOAN FINANCING PROGRAM

Notwithstanding any other provision of law, \$58,680,000, for direct loans not to exceed \$400,000,000 consistent with the purposes of section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) as in effect on September 30, 1988, to the Alameda Corridor Transportation Authority to continue the Alameda Corridor Project, including replacement of at-grade rail lines with a below-grade corridor and widening of the adjacent major highway: *Provided*, That loans not to exceed the following amounts shall be made on or after the first day of the fiscal year indicated:

|                        |               |
|------------------------|---------------|
| Fiscal year 1997 ..... | \$140,000,000 |
| Fiscal year 1998 ..... | \$140,000,000 |
| Fiscal year 1999 ..... | \$120,000,000 |

*Provided further*, That any loan authorized under this section shall be structured with a maximum 30-year repayment after completion of construction at an annual interest rate of not to exceed the 30-year United States Treasury rate and on such terms and conditions as deemed appropriate by the Secretary of Transportation: *Provided further*, That specific provisions of section 505(a)(b) and (d) shall not apply: *Provided further*, That the Alameda Corridor Transportation Authority shall be deemed to be a financially responsible person for purposes of section 505 of the Act.

GRANTS TO THE NATIONAL RAILROAD  
PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 49 U.S.C. 24104, \$462,000,000, to remain available until expended, of which \$342,000,000 shall be available for operating losses and for mandatory passenger rail service payments, and \$120,000,000 shall be for capital improvements: *Provided*, That funding under this head for capital improvements shall not be made available before July 1, 1997: *Provided further*, 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.

FEDERAL TRANSIT ADMINISTRATION  
ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$41,367,000.

The CHAIRMAN. The Clerk will read.  
The Clerk read as follows:

For necessary expenses to carry out 49 U.S.C. 5307, 5310(a)(2), 5311, and 5336, to remain available until expended, \$460,000,000: *Provided*, That no more than \$2,052,925,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants, no more than \$400,000,000 may be used for operating assistance under 49 U.S.C. 5336(d): *Provided further*, That the limitation on operating assistance provided under this heading shall, for urbanized areas of less than 200,000 in population, be no less than seventy-five percent of the amount of operating assistance such areas are eligible to receive under Public Law 103-331: *Provided further*, That in the distribution of the limitation provided under this heading to urbanized areas that had a population under the 1990 census of 1,000,000 or more, the Secretary shall direct each such area to give priority consideration to the impact or reductions in operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when the limitation is distributed among all transit authorities operating in the area.

AMENDMENT OFFERED BY MR. WOLF

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

The Clerk read as follows:

Amendment offered by Mr. WOLF: On page 27, line 4, strike "\$460,000,000" and insert "\$490,000,000".

Mr. WOLF. Mr. Chairman, this is a technical amendment to ensure that the mass transit account of the Highway Trust Fund is used solely for capital and capital-related expenses in the transit formula of the grant program.

It simply increases the general fund in the transit formula program while decreasing the trust fund share of the program each by \$30 million. The amendment does not change the amount available for transit operating nor does it change the outlays scored against the bill. The intent of the amendment simply corrects an inadvertent estimating error by the Federal Transit Administration, and it has the support of the chairman of the authorizing committee, and I ask that the amendment be adopted.

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

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

Mr. COLEMAN. Mr. Chairman, we have had a chance to inspect the amendment. It is a technical amendment, and we have no objection. We believe it should be adopted, and we urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. WOLF].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FILNER

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

The CHAIRMAN. Without objection, the gentleman from California [Mr. FILNER] may offer his amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FILNER: On page 23, line 16, insert the following after the word "made": "in excess of \$490,000".

Mr. FILNER. Mr. Chairman, I rise today to introduce an amendment that is absolutely critical to the economic development of the city of San Diego and its surrounding communities. In effect, what my amendment does is add \$490,000 to the section 511 railroad loan guarantee program in order to leverage approximately \$10 million in private sector loan guarantees that are necessary to reestablish the San Diego and Arizona Eastern Railroad. I repeat this is a loan guarantee which leverages 20 times that amount of private sector funding.

Now, the lack of a direct rail link to the East is hampering the real growth potential of the San Diego economy. Currently, San Diego's few commercial rail shipments must first make a several hundred mile detour.

□ 2245

Ships which would otherwise use the port of San Diego are therefore forced to go elsewhere in search of faster rail routes to inland markets. As a result, our communities lost out on business opportunities, and our port suffers from serious underuse. Reestablishment of the San Diego & Arizona Eastern Railroad is on the top of everyone's priority list in San Diego and enjoys wide bipartisan support. The city of San Diego, the county board of supervisors, the San Diego Association of Governments, the Port of San Diego, the Greater San Diego Chamber of Commerce, and the San Diego Economic Development Corporation, all of whom's leadership comes from the other side of the aisle, I might point out, all of these organizations agree that reestablishing this rail link is the area's highest priority for economic development.

Many of our Nation's regional and shortline railroads, like the San Diego & Arizona Eastern, find it difficult to obtain private financing for railline improvements because of short-term and high interest rates. Government assistance in the form of loan guarantees often becomes the only viable means to rehabilitate these vital links to our transportation infrastructure.

I believe that the section 511 program, because it is not a grant program, because it is not even a loan program but a loan guarantee to leverage private sector loans, is precisely the type of public-private partnership this Congress ought to encourage.

Last year the chairman of the transportation appropriations subcommittee, the gentleman from Virginia [Mr.

WOLF] joined me and several of my colleagues in a colloquy in support of this very program.

If the gentleman will remember, in that colloquy that we had 1 year ago he stated that, and I quote:

I concur that these loan guarantees have proven to be reliable and can be a cost-effective and wise use of Federal transportation dollars.

I am going to quote the gentleman:

I can assure you that I am sensitive to the needs of our regional shortline railroads, and I will certainly consider funding the 511 guarantee program, if it is brought before a House-Senate conference.

Unfortunately, this important program did not receive any funding in 1996. And although a bipartisan group of Members joined me in writing to the Subcommittee on Transportation urging that funds be appropriated for this program, it is not proposed for funding in 1997.

Mr. Chairman, the economy of San Diego cannot wait for another year. Because the appropriation subcommittee has not recommended funding for this section 511 program, I offer this amendment to directly fund it. I do so with the knowledge that San Diego interests will apply for a loan, private interests will apply for a loan to reestablish this railroad. I have the support of the Regional Railroads of America in this effort. Further, it is our understanding that this request is within the necessary budget authority and outlays.

What I am addressing here, Mr. Chairman, is the absolute critical importance of the rehabilitation of this railroad to our community. It is critically important that we fund this line. We can get this train up and running with a modest \$490,000 investment, a \$490,000 loan guarantee which, as I said before, leverages 20 times that amount in private sector loans.

I hope the distinguished chairman of the subcommittee will remain consistent to his view stated last year that these loan guarantees are a reliable, cost-effective and wise use of our Federal transportation dollars.

I hope that my colleagues can support this investment in economic growth in southern California.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment. I tell the gentleman, we did look at it. We later found out that 90 percent of this is in Congressman HUNTER's district.

Second, we looked into the whole issue. And one of the reasons for opposing it is that it provides funding for loan guarantees. However, there is not appropriation made to administer the program. It is a technical law which may violate the Credit Reform Act.

Third, there is the hope that the funds would be used for a local project in San Diego, when the project does not have local consensus, because I understand Mr. HUNTER opposes it and I believe the gentleman from California, Mr. PACKARD, opposes it.

Under the section 511 loan guarantee program, if railroads are unable to

repay these loans, the Federal Government is responsible. If the railroad cannot pay for them, the Federal Government is responsible for paying for them. I do not favor placing the Federal Government at risk.

Finally, although the loan guarantees are portrayed as inexpensive, Members should be aware that if the railroad defaults on a loan, the costs could be very, very high. So the area is divided. It is mainly in Mr. HUNTER's district. We did look into it. It is a loan guarantee program. A default means that everybody in the country pays. And, therefore, I strongly oppose the amendment.

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

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

Mr. FILNER. Mr. Chairman, I know this is a debatable issue. I just want to make sure that my colleagues understand, this program has been used before in the past. It has never, a loan has never not been repaid in this program. The authorization is in the generic act—90 percent of the line is not in Mr. HUNTER's district. It is shared between our two districts and between two nations, in fact, Mexico and the United States. So with those corrections, I understand the gentleman's opposition.

Mr. WOLF. Reclaiming my time, there has been a default. There has been one. Second, we know absolutely nothing at all about the railroad, absolutely, positively, categorically nothing.

Mr. FILNER. Mr. Chairman, the gentleman knows nothing about what?

Mr. WOLF. About the railroad.

Mr. FILNER. This goes into the generic program authorized by law and would have to be applied for for the loan guarantee and would not be given unless all the due diligence was done by the railroad administration.

Mr. WOLF. But if we do not know the profitability, we do not know whether or not it could default. Therefore, if it defaults, as it happened one other time, everybody is obligated.

Mr. Chairman, I strongly oppose the amendment.

Mr. PACKARD. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I am not opposed to the project. I have discussed this at length with San Diego people. I think that it is a good project. The rail line, this San Diego & Arizona Eastern rail corridor at some point in the future, I hope, will be open. I simply feel that this is not the future, I hope, will be open. I simply feel that this is not the proper way to proceed with the funding for it.

The opening of this railroad would benefit the San Diego region. It would provide a more direct and less costly route for freight shipment from all parts of the United States to the Port of San Diego. But I do believe that there are other ways to do it. Certainly we ought to pursue that.

But the bill does not fund the loan guarantee program. There are no funds in the loan guarantee program. If this amendment passed, there are many projects that would apply for this loan guarantee funds. It would not just be the San Diego project. It would be many. And they would have to compete for those funds. It would be very limited and, thus, I think that there is certainly no assurance that these funds would go to the San Diego rail corridor.

There is another factor I think that ought to be mentioned. That is that the reason that there was no funds put into this loan guarantee program was because there was simply not sufficient funds to fund all of the other programs that this subcommittee and the subcommittee that I serve on had to support. There are budget constraints and I think that is good, the reasons why that this whole program was not funded this year.

I hope that we will find ways of funding this project, because I do support the innovative way of building through private moneys these kinds of projects. But I think that this is not the time to do it and not the way to do it.

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

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

Mr. FILNER. Mr. Chairman, I appreciate my colleague from San Diego and the northern part of our county's support for the project. We have searched, as you know, for 2 years now for other kinds, for the funding to get this started. You said this is not the way. I would ask my friend if there was any other way, let us do it. This is the only way, this is a cost-effective way. This leverages 20 times what the appropriation is. I cannot think of a better way to get private-sector funding into it.

Mr. PACKARD. Mr. Chairman, there are two things, in response, if I can reclaim my time. First, is we have required offsets for every transfer of funds. This amendment is not accompanied by offsets. Second, I recognize that this is a good way to fund these kinds of projects. But we simply have not got funds in that program, and if we put these funds in that the gentleman is requesting in his amendment, there is no assurance that the San Diego project would be able to receive them.

Mr. FILNER. Mr. Chairman, if the gentleman will continue to yield, that would then meet the objection of the distinguished subcommittee chairman in that there would be competition for these funds. We are assured that because of the amount of work that has been done on this line and the support from the local governments and the studies that have been made, that this would be a top priority.

Mr. PACKARD. Reclaiming my time, it simply would mean that there was no assurance that San Diego would get these funds or have them accessible for a loan guarantee. Second, if it was



competitive and thus divided among many projects, it would help no project. There simply would not be enough.

Mr. FILNER. I wish the gentleman would work with me to find the method to get this project going.

Mr. PACKARD. I very reluctantly oppose the amendment.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to thank my colleague for the nice presentation that he has made in support of this railroad, but let me tell my colleagues what this involves. This is a railroad that once existed between Imperial County, which is east of San Diego County some 100 miles or so, almost to the Arizona border. It is a railroad that runs from San Diego into Mexico, travels a number of miles in Mexico, goes up some steep canyons and finally rereemerges in the United States in my district in what is known as East San Diego County and travels about 70 miles through my district in San Diego County into Imperial Valley, almost to the Arizona border.

This railroad was knocked out of commission many, many years ago. It has not been in operation for a number of years. There is an issue here that is a very important issue to everybody in the country, and that is border patrol. Let me just tell my colleagues what I am concerned about, Mr. Chairman.

There were articles in the Boston Globe, the Los Angeles Times, the San Diego Union, the last headline of which said, *Robbers Ride the Rails*. And they were headline stories about the enormous number of robberies of American trains in New Mexico, for example, some 600 robberies of Southern Pacific, in one year with an enormous criminal base, basically endangered by this train robbing operation. Those were trains that are in the United States. They do not even go into Mexico.

We propose at a time when our border in southern California is totally out of control and totally in the hands of criminal aliens and there is a massive flow of cocaine coming across the border both in the urban areas and now in the suburban areas, and incidentally I have 60 miles of farm families and ranch families who right now are being held prisoners in their homes by armies of illegal aliens and drug smugglers marching north through East San Diego County who have not concurred in the chamber of commerce recommendation, who have not concurred in the port authority's recommendation and who have real concerns.

So, Mr. Chairman, there have been no studies whatsoever as to what effect this train is going to have on the smuggling of illegal aliens. And thousands of illegal aliens have been smuggled on the border trains in New Mexico. We have had no studies. On the prospective robberies, southern border trains have been robbed at the rate of some 600 rob-

beries per year, per line in New Mexico. We have had no studies on the effect on cocaine smuggling. If we have a border which is out of control, which we have right now in southern California, our primary goal now is to control the border.

I like the chamber of commerce. I like the boosters. I am reminded that all of them pushed the port at San Isidro and the accelerated means of bringing in traffic from Mexico with goods. They all promised that the cocaine problem is going to go away but it did not go away. Because we did not accompany that port of entry with a right type of controls, we have a cocaine freeway right now through San Diego County. Nobody in the chamber of commerce or the port authority has come forward to say, we are sorry we made a mistake.

I am going to offer my colleagues and, Mr. Chairman, a little while later an amendment that asks that, before we fund any such program, we do a study with respect to the effect it will have on exacerbating illegal immigration, exacerbating drug smuggling, narcotics smuggling and creating a base of railroad robberies such as the one that has existed for some time now in the area around the border between New Mexico and Mexico.

Mr. Chairman, I rise in strong opposition. From my calculations, I do have about 90 percent of this railroad in my district. I think we need to have this type of information before we blindly move ahead because we have a lot of governmental entities that like this project.

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

Let me say that I understand and recognize the efforts of the gentleman from California [Mr. FILNER]. I understand the concerns of my colleagues also from San Diego, CA, representing a border district.

I would note and would suggest to the gentleman from California [Mr. HUNTER], that perhaps his idea concerning the kinds of restrictions and requirements on loan guarantees need to be applied not just in terms of border regions with respect to documentation or ideas about the numbers of robberies, the numbers of undocumented persons but indeed what, after all, we do when we provide for capitalization projects.

□ 2300

I would point out to this House that in last year's, in this 1996 year of fiscal operations, we have in the current operations a \$10 million grant that was not included in the President's budget to the Alaska Railroad for capital improvements. We did not do that in the House. That was as a result of coming out of conference, but we voted for final passage of the legislation when it came back from conference. So we, in fact, have already approved a project much like this. This is not a first-impression move.

In fact, what the amendment offered by the gentleman from California [Mr. FILNER] does, of course, is not even make a direct grant. Mr. FILNER's amendment only provides loan guarantees.

I think that it is a good amendment in that it helped provide a small amount of assistance in the form of those guarantees to regional railroads which need assistance for capital improvements, so I do not think that we should reject out of hand the efforts by our colleagues who want to provide this kind of funding. I think it is one way to look at ways in which we can be innovative in order to provide the funding that is necessary for good operations, for good businesses, and I would rise in support of the amendment.

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

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

Mr. FILNER. Mr. Chairman, I thank the gentleman, and I thank my colleague from along the border with me, the gentleman from California [Mr. HUNTER], for raising the concerns he has, and he has been the leader of this House in getting control of the border, and we have a lot to thank him for, and we have worked together to do that. I would not offer this amendment, Mr. HUNTER, and he knows that, if I thought this would worsen that situation. I believe that the economic development on both sides of the border is the key for us getting control of that border, and this is a cooperative venture between two nations that would actually raise the quality of life for working people in my district, in the gentleman's district, in Mexico, and, in fact, in many communities around our region. This is what we should be doing.

Yes, let us study the possible effects on the drug trade; yes, let us study the possible consequences of banditry, but let us not be scared off. I mean I see the gentleman from California [Mr. DORNAN] standing beside the gentleman. He can tell us that if Americans were scared off in making this country economically beneficial by threats of banditry or by letting a few people scare us off from making economic gains, then we would not be the country we are today.

That is what this railroad is all about. Let us make the economic development of this border area really work, and I look forward to working with the gentleman to do that. I did not quite get the amendment he thought about offering. If it is in conjunction with mine, let us do it. If it is in place of mine, I prefer that we try to get the funding in place.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FILNER].

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

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

The CHAIRMAN. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentleman from California [Mr. FILNER] will be postponed.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on each amendment to the remainder of the bill, and any amendments thereto, be limited to 10 minutes, equally divided, with the exception of the amendment of the gentleman from Georgia [Mr. COLLINS] for 20 minutes and the amendment of the gentleman from New Jersey [Mr. ANDREWS] for 20 minutes.

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

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 55, line 15, be considered as read, and printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through page 55, line 15, is as follows:

#### UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by 49 U.S.C. 5317(b), to remain available until expended, \$6,000,000.

#### TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by 49 U.S.C. 5303, 5311, 5313, 5314, and 5315, to remain available until expended, \$85,500,000, of which \$39,500,000 shall be for activities under Metropolitan Planning (49 U.S.C. 5303); \$4,500,000 for activities under Rural Transit Assistance (49 U.S.C. 5311(b)(2)); \$8,250,000 for activities under State Planning and Research (49 U.S.C. 5313(b)); \$22,000,000 for activities under National Planning and Research (49 U.S.C. 5314); \$8,250,000 for activities under Transit Cooperative Research (49 U.S.C. 5313(a)); and \$3,000,000 for National Transit Institute (49 U.S.C. 5315).

#### TRUST FUND SHARE OF EXPENSES

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(a), \$1,920,000,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That \$1,920,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account.

#### DISCRETIONARY GRANTS

##### (LIMITATION ON OBLIGATIONS)

##### (HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$1,665,000,000 in fiscal year 1997 for grants under the contract authority in 49 U.S.C. 5338(b): *Provided*, That there shall be available for fixed guideway modernization, \$666,000,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, \$333,000,000; and, notwithstanding any other provision of law, except for fixed guideway modernization projects, \$10,510,000 made available under Public Law 102-240 and Pub-

lic Law 102-143 under "Federal Transit Administration, Discretionary Grants" for projects specified in those Acts or identified in reports accompanying those Acts, not obligated by September 30, 1996; together with, notwithstanding any other provision of law, \$744,000 funds made available for the "New Bedford and Fall River Massachusetts commuter rail extension" under Public Law 103-331; together with, notwithstanding any other provision of law, \$47,322,000 funds made available for the "Chicago Central Area Circulator Project" in Public Law 103-122 and Public Law 103-331, shall be made available for new fixed guideway systems together with the \$666,000,000 made available for new fixed guideway systems in this Act, to be available as follows:

\$66,820,000 for the Atlanta-North Springs project;

\$10,260,000 for the Baltimore-LRT Extension project;

\$40,181,000 for the Boston Piers-MOS-2 project;

\$5,500,000 for the Canton-Akron-Cleveland commuter rail project;

\$25,000,000, notwithstanding any other provision of law, for transit improvements in the Chicago downtown area;

\$3,000,000 for the Cincinnati Northeast-Northern Kentucky rail line project;

\$10,000,000 for the DART North Central light rail extension project;

\$12,500,000 for the Dallas-Fort Worth RAILTRAN project;

\$1,000,000 for the DeKalb County, Georgia light rail project;

\$3,000,000 for the Denver Southwest Corridor project;

\$9,000,000 for the Florida Tri-County commuter rail project;

\$2,000,000 for the Griffin light rail project;

\$40,590,000 for the Houston Regional Bus project;

\$15,300,000 for the Jacksonville ASE extension project;

\$1,500,000 for the Kansas City Southtown corridor project;

\$90,000,000 for the Los Angeles-MOS-3 project;

\$1,500,000 for the Los Angeles-San Diego commuter rail project;

\$27,000,000 for the MARC Commuter Rail Improvements project;

\$1,000,000 for the Miami-North 27th Avenue project;

\$2,000,000 for the Memphis, Tennessee Regional Rail Plan;

\$10,000,000 for the New Jersey Urban Core/Hudson-Bergen LRT project;

\$105,530,000 for the New Jersey Urban Core/Secaucus project;

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

\$8,000,000 for the New Orleans Canal Street Corridor project;

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

\$35,020,000 for the New York-Queens Connection project;

\$500,000 for the Northern Indiana commuter rail project;

\$5,000,000 for the Orange County transitway project;

\$2,000,000 for the Orlando Lynx light rail project;

\$90,000,000 for the Portland-Westside/Hillsboro Extension project;

\$6,000,000 for the Sacramento LRT Extension project;

\$20,000,000 for the Salt Lake City-South LRT project, of which not less than \$10,000,000 shall be available only for high-occupancy vehicle lane and corridor design costs;

\$20,000,000 for the St. Louis-St. Clair Extension project;

\$35,000,000 for the San Francisco Area-BART airport extension/San Jose Tasman West LRT projects;

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

\$9,500,000 for the San Juan Tren Urbano project;

\$375,000 for the Staten Island-Midtown Ferry service project;

\$2,000,000 for the Tampa to Lakeland commuter rail project; and

\$2,500,000 for the Whitehall ferry terminal, New York, New York.

#### MASS TRANSIT CAPITAL FUND

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, \$2,000,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

#### WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, \$200,000,000, to remain available until expended.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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

#### OPERATIONS AND MAINTENANCE

##### (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, including the Great Lakes Pilotage functions delegated by the Secretary of Transportation, \$10,037,000, 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, \$23,929,000, of which \$574,000 shall be derived from the Pipeline Safety Fund, and of which \$7,101,000 shall remain available until September 30, 1999: *Provided*, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination.

#### PIPELINE SAFETY

##### (PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$30,988,000, of which \$2,528,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 1999; and of which \$28,460,000 shall be derived

from the Pipeline Safety Fund, of which \$15,500,000 shall remain available until September 30, 1999: *Provided*, That in addition to amounts made available for the Pipeline Safety Fund, \$1,000,000 shall be available for grants to States for the development and establishment of one-call notification systems and shall be derived from amounts previously collected under section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985.

EMERGENCY PREPAREDNESS GRANTS  
(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 1999: *Provided*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$39,450,000: *Provided*, That none of the funds under this heading shall be for the conduct of contract audits.

SURFACE TRANSPORTATION BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$12,344,000: *Provided*, That \$3,000,000 in fees collected in fiscal year 1997 by the Surface Transportation Board pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1997: *Provided further*, That any fees received in excess of \$3,000,000 in fiscal year 1997 shall remain available until expended, but shall not be available for obligation until October 1, 1997.

TITLE II  
RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION  
BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$3,540,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$42,407,000, of which not to exceed \$2,000 may be used for official reception and representation expenses.

TITLE III—GENERAL PROVISIONS  
(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Such sums as may be necessary for fiscal year 1997 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 7701, et seq., for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

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

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than one hundred seven political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1997 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1996, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 12 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State;

(2) after August 1, 1997, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102-240; and

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a), title 23 U.S.C., the Federal lands highway program, the intelligent transportation systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102-240, and 49 U.S.C. 5316, 5317, and 5338: *Provided*, That amounts made available under section 6005 of Public Law 102-240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head "Federal-Aid Highways" in this Act.

(d) During the period October 1 through December 31, 1996, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed \$277,431,840.

(e) During the period August 2 through September 30, 1997, the aggregate amount which may be obligated by all States shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1997 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1997, has the amount distributed to such State under paragraph (a) for fiscal year 1997 reduced under paragraph (c)(2).

SEC. 311. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement

regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of \$10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than \$10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 317. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1999, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 318. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49 U.S.C., that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 319. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 320. None of the funds in this Act may be used to compensate in excess of 335 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1997.

SEC. 321. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by \$10,000,000, which limits fiscal year 1997 TASC obligatory authority for elements of the Department of Transportation funded in this Act to no more than \$114,812,000: *Provided*, That such reductions from the budget re-

quest shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the transportation administrative service center.

SEC. 322. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Limitation on General Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 323. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901, et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 324. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the new Denver International Airport, Denver, Colorado.

SEC. 325. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to the provisions of section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction: *Provided further*, That in addition to amounts otherwise provided in this Act, not to exceed \$3,100,000 in expenses of the Bureau of Transportation Statistics necessary to conduct activities related to airline statistics may be incurred, but only to the extent such expenses are offset by user fees charged for those activities and credited as offsetting collections.

SEC. 326. The Secretary of Transportation is authorized to transfer funds appropriated in this Act to "Rental payments" for any expense authorized by that appropriation in excess of the amounts provided in this Act: *Provided*, That prior to any such transfer, notification shall be provided to the House and Senate Committees on Appropriations.

SEC. 327. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/

AIDS and the workplace rights of HIV-positive employees.

SEC. 328. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 329. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

SEC. 330. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

SEC. 331. Not to exceed \$850,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 332. Notwithstanding any other provision of law, the Secretary may use funds appropriated under this Act, or any subsequent Act, to administer and implement the exemption provisions of 49 CFR 580.6 and to adopt or amend exemptions from the disclosure requirements of 49 CFR part 580 for any class or category of vehicles that the Secretary deems appropriate.

SEC. 333. No funds other than those appropriated to the Surface Transportation Board shall be used for conducting the activities of the Board.

SEC. 334. None of the funds made available in this Act may be used to construct, or to pay the salaries or expenses of Department of Transportation personnel who approve or facilitate the construction of, a third track on the Metro-North Railroad Harlem Line in the vicinity of Bronxville, New York, when it is made known to the Federal official having authority to obligate or expend such funds that a final environmental impact statement has not been completed for such construction project.

SEC. 335. Section 5328(c)(1)(E) of title 49, United States Code, is amended—

(1) by striking "Westside" the first place it appears;

(2) by striking "and" after "101-584,"; and

(3) by inserting before the period at the end the following: ", and the locally preferred alternative for the South/North Corridor Project".

SEC. 336. Notwithstanding any other provision of law, of the funds made available to Cleveland for the "Cleveland Dual Hub Corridor Project" or "Cleveland Dual Hub Rail Project," \$4,023,030 in funds made available in fiscal years 1991, 1992, and 1994, under Public Laws 101-516, 102-143, 102-240, 103-122, and accompanying reports, shall be made available for the Berea Red Line Extension and the Euclid Corridor Improvement projects.

SEC. 337. Notwithstanding any other provision of law, funds made available under section 3035(kk) of Public Law 102-240 for fiscal year 1997 to the State of Michigan shall be for the purchase of buses and bus-related equipment and facilities.

SEC. 338. In addition to amounts otherwise provided in this Act, there is hereby appropriated \$2,400,000 for activities of the National Civil Aviation Review Commission, to remain available until expended.

SEC. 339. Section 423 of H.R. 1361, as passed the House of Representatives on May 9, 1995, is hereby enacted into law.

#### TITLE IV—MISCELLANEOUS HIGHWAY PROVISIONS

SEC. 401. Notwithstanding any other provision of law, semitrailer units operating in a truck tractor-semitrailer combination whose semitrailer unit is more than forty-eight feet in length and truck tractor-semitrailer-trailer combinations specified in section 3111(b)(1) of title 49, United States Code, may not operate on United States Route 15 in Virginia between the Maryland border and the intersection with United States Route 29.

SEC. 402. Item 30 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2050), relating to Mobile, Alabama, is amended in the second column by inserting after "Alabama" the following: "and for feasibility studies, preliminary engineering, and construction of a new bridge and approaches over the Mobile River".

SEC. 403. Item 94 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052), relating to St. Thomas, Virgin Islands, is amended—

(1) by striking "St. Thomas,"; and

(2) by inserting after "the island" the following: "of St. Thomas and improvements to the VIPA Molasses Dock intermodal port facility on the island of St. Croix to make the facility capable of handling multiple cargo tasks".

SEC. 404. The Secretary of Transportation is hereby authorized to enter into an agreement modifying the agreement entered into pursuant to section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331) and section 356 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104-50) to provide an additional line of credit not to exceed \$25,000,000, which may be used to replace otherwise required contingency reserves; provided, however, that the Secretary may only enter into such modification if it is supported by the amount of the original appropriation (provided by section 336 of Public Law 103-331). No additional appropriation is made by this section. In implementing this section, the Secretary may enter into an agreement requiring an interest rate, on both the original line of credit and the additional amount provided for herein, higher than that currently in force and higher than that specified in the original appropriation. An agreement entered into pursuant to this section may not obligate the Secretary to make any funds available until all remaining contingency reserves are exhausted, and in no event shall any funds be made available before October 1, 1998.

SEC. 405. Public Law 100-202 is amended in the item relating to "Traffic Improvement Demonstration Project" by inserting after "project" the following: "or upgrade existing local roads".

AMENDMENT OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Traficant: Page 53, after line 10, insert the following new section:

SEC. 340 (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

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

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

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

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

The CHAIRMAN. Pursuant to the unanimous consent agreement, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Chairman, I want to thank the gentleman from Virginia [Mr. WOLF] for his fairness, I want to thank him for his fairness in placing funds in here for a study that may help to reintroduce some rail service to northeast Ohio and western Pennsylvania. On behalf of all of those people I want to thank him, and I want to thank the gentleman from Texas [Mr. COLEMAN]. I also want to congratulate him. This is the last time he will be handling this bill; he is retiring.

Mr. Chairman, he has been a great Member. I want to thank him personally for all he has done to help my area and a lot of people in this country.

I would also just like to say that my amendment is a Buy American amendment. It is simple and straightforward. It would provide a notice to those people who get funds in the bill wherever possible to buy American products, and it would limit using false labels on imported products and trying to deceive the procurement process.

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

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

Mr. WOLF. We accept the amendment. I thank the gentleman from Ohio

[Mr. TRAFICANT] for the amendment. I think it is a good amendment.

And let me also say I want to congratulate the gentleman from Texas [Mr. COLEMAN] on his retirement and thank him for his friendship and a good working relationship, and also for the staff.

Mr. TRAFICANT. I want to thank the both of the gentlemen again for that study.

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

Mr. TRAFICANT. I yield to the distinguished ranking member, the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. We, of course, have also reviewed the amendment. We in the minority are in agreement and urge its adoption.

Mr. Chairman, I thank both gentlemen for their kind remarks.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GUTKNECHT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT: Page 55, after line 15, insert the following new section:

SEC. 406. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Under the earlier unanimous-consent agreement, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman I yield myself as much time as I may consume.

Mr. Chairman, earlier we heard from people on both sides of the aisle, but we were particularly criticized a few weeks ago when this House adopted the conference committee report on the budget, and it was widely reported, and correctly so, that for the first time in 4 years we are going to allow the budget deficit to actually go up.

I and a number of my colleagues were very frustrated to learn that, and as a result after the passage of that budget agreement many of us went back to try to decide what we could do to help the House recover this fumble because, as I have said on previous amendments that I have offered on appropriation bills, I think that the general public sent a very clear message in November 1994 that they wanted us to make the Federal Government live within its means and they wanted us to help balance their budget.

But this year we are increasing spending by about \$4.1 billion over

what we said we were going to spend just last year. I think that is a terrible mistake from a policy standpoint, and I think it makes it even more difficult for us to say that we are going to actually reduce spending in the outyears.

In fact, what I said last night was, how in the world can we say in good conscience to our constituents that we cannot cut an additional \$4.1 billion worth of spending this year and yet somehow miraculously in 3 years we are going to have the discipline to cut \$47 billion worth of spending?

I think it a mistake, and, as I say, as a result of that we came up with a very simple amendment that we are going to offer to every single appropriation bill from this point forward to simply trim 1.9 percent from each appropriation bill in discretionary domestic spending so that if all of those amendments were passed, it would at least get us back to the promise that we made just last year.

But as I looked at this transportation appropriation bill, I must be honest that we find that the gentleman from Virginia [Mr. WOLF] and his committee have done a very good job, and, as a matter of fact, their appropriation bill is \$338 million less than the 602(b) allocations. And unfortunately, around this place, altogether too often no good deed goes unpunished, and so as we looked at this, essentially we came to the conclusion that this is one committee that has already met the challenge which we laid out in terms of trying to recover that \$4.1 billion.

So as a result, Mr. Chairman, if I could engage in a brief colloquy with the gentleman from Virginia [Mr. WOLF], I think we can resolve this matter and move forward to the next order of business. I ask the gentleman:

It is true that under this bill, H.R. 3675, the gentleman proposes to spend \$338 million less than the budget authority allocated in the transportation subcommittee by the full committee?

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

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

Mr. WOLF. Mr. Chairman, the gentleman is correct.

Mr. GUTKNECHT. Would it be the gentleman's intention to continue to try and save \$338 million should this bill go forward into the conference committee with the Senate?

Mr. WOLF. Yes, it is my intention to see that the conference report reflects the priorities and funding levels of the House, and also I might say that if the Senate tries to put any highway demos in, we will make sure that they are not in, and I hope that the people of our body will help us to make sure they are not in, it, but there are no highway demonstration projects in this bill.

Mr. GUTKNECHT. The amendment that I am offering would save approximately \$232 million and obviously a savings of \$338 million is greater than 232. So in light of this fact, I commend the chairman of the subcommittee, the

gentleman from Virginia [Mr. WOLF] and the full committee for the work that they have done and foregoing the extra mile in terms of trying to preserve the American dream for our kids.

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

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

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Minnesota [Mr. GUTKNECHT] is withdrawn.

AMENDMENT OFFERED BY MR. ANDREWS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS: Page 55, after line 15, insert the following new section:

SEC. 406. (a) LIMITATION ON USE OF FUNDS FOR CERTAIN SURFACE TRANSPORTATION PROJECTS.—None of the funds made available in this Act may be used to provide, or to pay the salaries or expenses of Department of Transportation personnel who provide, to a State more than \$50,000 in Federal assistance from the Highway Trust Fund (other than the Mass Transit Account) for any surface transportation project except when it is made known to the Federal official having authority to obligate or expend such funds that—

At least 30 days before entering a contract or agreement with a private business entity for the performance of work usually performed by employees of a State under which the State will obligate more than \$50,000, the State has conducted and submitted a cost-benefit analysis of the project;

(2) the cost-benefit analysis includes a detailed description of—

(A) the costs of labor;

(B) the costs of employer-provided fringe benefits;

(C) the costs of equipment or materials, whether supplied by the State or private contractor;

(D) the costs directly attributable to transferring the work being performed by State employees to a private business entity;

(E) the costs of administering and inspecting the contracted service; and

(F) the costs of any anticipated unemployment compensation or other benefits which are likely to be paid to State employees who are displaced as a result of the contracted services; (3) the cost-benefit analysis includes an analysis of whether it is more cost effective to use employees of a private business entity than to use State employees to perform the work required;

(4) the cost-benefit analysis is accompanied by an analysis of the State's finances and personnel and an analysis of the ability of the State to reassume the contracted service if contracting of the service ceases to serve the public interest;

(5) in the case of a contract or agreement described in paragraph (1) that will result in a decrease in the amount of work assigned to State employees, the cost-benefit analysis demonstrates that—

(A) the contract or agreement will result in a substantial cost savings to the State; and

(B) the potential cost savings of contracting of services are not outweighed by the public's interest in having a particular function performed directly by the State;

(6) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a past performance history of the private business entity contract or agreement, which includes—

(A) work performed for the State under contracts and agreements described in paragraph (1) in the 5-year period ending on the 45th day before the date of entry into the contract or agreement;

(B) if no work was performed for the State under such contracts and agreements during such 5-year period, then any work performed for other States under contracts and agreements described in paragraph (1) in such 5-year period;

(C) with respect to each contract or agreement to which subparagraph (A) or (B) applies, the amount of funds originally committed by the State under the contract or agreement and the amount of funds actually expended by the State under the contract or agreement; and

(D) with respect to each contract or agreement to which subparagraph (A) or (B) applies, deadlines originally established for all work performed under the contract or agreement and the actual date or dates on which performance of such work was completed;

(7) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a copy of any performance bond or any similar instrument that ensures performance by the private business entity under the contract or agreement or certifies the amount of such bond;

(8) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a political contribution history of the private business entity with whom the State is entering into the contract or agreement, which political contribution history lists all political contributions the private business entity has made to political parties and candidates for political office in the 5-year period ending on the 45th day before the date of entry into the contract or agreement; and

(9) not later than 5 days after submission of the cost-benefit analysis and other documents under this section, the public has been notified of the availability of the cost-benefit analysis and other documents for public inspection, and the analysis and other documents have been made available for inspection upon request.

(b) EXCEPTIONS.—The limitation established by subsection (a) shall not apply to any surface transportation project when it is made known to the Federal official having authority to obligate or expend the funds that—

(1) the project is a pilot project for a particular type of work that has not previously been performed by the State and is being undertaken to evaluate whether contracting for that particular type of work can result in savings to the State; or

(2) the analysis of the State's finances and personnel under subsection (a)(4) demonstrates that the State cannot perform the work with existing or additional departmental employees because the work would be of such an intermittent nature as to be likely to cause regular periods of unemployment for State employees.

The CHAIRMAN. Under the earlier unanimous-consent agreement, the proponent and the opponent each will control 10 minutes for the amendment offered by the gentleman from New Jersey [Mr. ANDREWS].

The Chair recognizes the gentleman from New Jersey [Mr. ANDREWS].

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



The purpose of this amendment is rather simple and straightforward, and it is that the taxpayers that we represent have a right to know how and where their money is being spent. This is a phenomenon that is happening across our country right now. State governments, in an attempt to save money, are laying off public employees by the score. People are losing their jobs, they are losing their careers, they are losing many of the things they depend on for their families. These are longtime, hard-working public employees.

The justification that is offered time after time for this contracting out and for these employees losing their jobs is that it saves money.

This amendment simply says to a local government using Federal taxpayer dollars in transportation projects, it says to that local government:

If you want to lay off public employees, if you want to take away the jobs of people who have been on the payroll for a long time and done their job as they have been asked, then you have to show us, you have to show the public, that the savings of money that you assert are there are, in fact, there.

Here is the way it works:

When a local government using Federal funds from the transportation trust funds decides to contract that work out, if the work is work that has been traditionally done by public employees, traditionally done by public employees, if they decide to contract the work out, this amendment requires the local government to go through a cost-benefit analysis. It requires a local government to weigh the costs and benefits of contracting the work out versus the costs and the benefits of keeping the work in-house and being done by public employees. The record of that analysis is then spread before the public, and that is it.

Mr. Chairman, let me tell my colleagues what the amendment does not do. The amendment does not require that work that has been done by the private sector for years be changed. If, as in most States, the actual construction of these projects is done in the private sector and not by public employees, this amendment does not apply. It applies only to work traditionally done by public employees. It does not create a massive and new bureaucratic gauntlet for State governments to run.

I would hope that every State and local government that is spending the hard-earned tax dollars of our constituents is already doing this. I hope they are already sitting down and saying what would option A cost to contract the work out versus what would option B cost to keep the work inside. This really simply requires then to disclose what I hope they are already doing.

Finally, this amendment does not, does not, require that there be some new obligation placed upon States or that some new category of work be kept in house that would otherwise be contracted out. This is common sense.

It even says, Mr. Chairman, that after the cost benefit analysis has been done, if the State still decides to contract the work out, there is nothing in this amendment that precludes them from doing so.

□ 2315

It protects the right and discretion of States and local governments. This, Mr. Chairman, is a truth-in-government amendment. It simply says if a local official, using Federal taxpayer dollars, if a State official using Federal taxpayer dollars, decides to lay people off the public payroll because they claim that it saves money, they have to show that it saves money. That is all. It is a truth-in-government amendment. I believe it deserves broad support, and I would ask that it receive that support.

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

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

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I oppose the amendment. Also, the American Consulting Engineers Council, the American Road and Transportation Builders Association, the Associated General Contractors of America, the American Institute of Architects, The National Society of Professional Engineers, the American Society of Landscape Architects, the Council of Federal Procurement of Architectural Engineering Services, the American Congress on Surveying and Mapping, the National Utility Contractors, they all urge a no.

Mr. Chairman, let me tell Members what AASHTO says. AAHSTO says the amendment is sweeping and would include everything from engineering and design and management, consultant contractors, and at the low threshold of \$500,000 it would mean that most activities carried out by the State would not be effective.

They said implementation of the amendment would require a whole array of procedures at the State and Federal level which would impose significant costs and delays in project development. It would make it impossible to utilize private sector resources. It is opposed by the State departments of New York, New Jersey, Texas, Illinois, Indiana, Massachusetts, Wisconsin, and Montana, and others.

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

Mr. ANDREWS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if each of the associations that my friend from Virginia cites are opposed to the bill, it does not surprise me. Taxpayers are in favor of this bill, because all it really says is if you are really saving money, you ought to prove it.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California [Mr. FILNER].

Mr. FILNER. I thank the gentleman for his amendment, Mr. Chairman, because as I read it, it would simply replicate at the State level the procedure that is followed by the Federal Government to require cost comparisons before a contract could be given to private entities. The gentleman's amendment will ensure the prudent use of taxpayer moneys by requiring cost comparisons when in-house expertise is available. State governments frequently have trained competent public employees. Having State workers perform design and engineering work on highway projects will often save taxpayers' money because the job can be done quicker and cheaper.

This amendment is a major step toward protecting the American taxpayer and ensures their tax dollars will be well spent. Too often private contractors are given sweetheart contracts in return for financial and political support. The best interests of the American people are not served. This practice is egregious when the result is the displacement or underutilization of public workers. I think this amendment sets politics aside and brings back into focus the interests of American taxpayers.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the committee.

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

Mr. Chairman, I rise in opposition to the Andrews amendment for several reasons: First, it imposes an unfunded mandate on the States, like our own State of New Jersey. We already have enough unfunded mandates now.

Second, it violates States rights. States should be able to make transportation decisions without any further Federal interference.

Third, Mr. Chairman, it removes the flexibility that States currently enjoy to address their unique transportation needs. In our State our State has particular transportation needs because of our population density.

Fourth, it swells State bureaucracies that many Governors, like our own State of New Jersey Governor, Christine Todd Whitman, were trying to control costs, so why would we need to swell the bureaucracy with more employees paid for by Federal dollars?

Fifth, it invites lawsuits, totally unnecessary lawsuits.

Sixth, it hurts minority and start-up small businesses who already have problems competing in a complex situation in terms of transportation projects.

Seventh, it delays highway projects. In a State with as many problems as we have, we do not need any more delays.

Lastly, Mr. Chairman, it hurts the private sector, who is perfectly capable, who has a wonderful track record of designing and working on construction projects.

For these reasons and many others, I oppose this amendment.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey. The amendment is straightforward and requires that before Federal funds are used to contract out highway work, the locality must determine whether the benefits of contracting out, including the costs of the contract, the costs of terminating public employees, the costs of administering and supervising the contract, and the costs of the projected unemployment, outweigh the anticipated benefits.

This should not be controversial. Small businesses and middle-class homeowners do this all the time. They want to get the best deal for their money. The taxpayers have a right to demand that their governments should treat their tax dollars with the same care and respect.

I know that privatization is very popular these days. I know some of our colleagues like to point to situations in which privatization saved the government money. I know in some circles, putting people out of work simply because they committed the unpardonable sin of devoting their energies to serving their communities as public servants, is politically popular. That may be right, it may be wrong in a given case, but it is not too much to ask that before a State rushes forward and begins contracting out, it take the trouble to find out whether it would be getting a good deal.

Some have complained we have no business telling the State governments to comparison shop. I disagree. This is not a question of unfunded mandates. What is at issue here is a fundamental question of accountability, accountability in the use of Federal tax dollars. Demanding accountability, making sure that contracting out really will save money, is not simply local politicians giving some goodies to the old boys' network. It is not an abuse of our authority. It is a fundamental exercise of our responsibility as legislators and as stewards of the taxpayers' funds.

It does not matter whom we send this money through, it is our responsibility to ensure that the tax money we appropriate today is spent wisely. That is what accountability is all about. That is our first obligation, and that is why I urge adoption of this amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the Committee on Transportation and Infrastructure.

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

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey, [Mr. ANDREWS]. This amendment is not merely

a limitation on funds for fiscal 1997, it requires States to perform six pages of new specific criteria, creates new requirements out of whole cloth that have never been present in the last 40 years of Federal highway programs. This provision virtually rewrites the highway bidding and contracting process, and it does so without any hearings or any debate as to whether such a revolutionary change should be adopted. This amendment has sparked broad-based opposition, including the States of New York, New Jersey, Illinois, Texas, Massachusetts, Wisconsin, Indiana, and Montana, the American Consulting Engineers Council, the American Road and Transportation Builders, and the Associated General Contractors.

I am informed by the Federal Highway Administration and the American Association of State Highway and Transportation Officials that, if adopted, this provision would nearly be impossible to implement for several reasons. The amendment requires the States to perform burdensome and costly cost-benefit analysis. The cost-benefit analysis mandated by this amendment is a wolf in sheep's clothing, and bears little relationship to the meaningful analysis of costs and benefits.

By tying its requirements to work that is usually performed by State employees, the amendment would create 50 separate rules for the Department of Transportation to administer. All States currently have different contracting practices. This amendment would freeze in place these different State practices.

This amendment stacks the deck against private work in order to increase the State bureaucracies. It would hurt the private sector design and engineering firms in all of the 50 States. In sum, this provision is unworkable, would increase the burdens on the States, would lower quality and prevent States from building the best assets, so I strongly urge my colleagues to oppose this amendment.

Mr. ANDREWS. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. COLEMAN], the ranking member of the subcommittee, who has been an excellent mentor and friend on this.

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

Mr. COLEMAN. Mr. Chairman, I would say to my colleague, the gentleman from Pennsylvania, oh, for heaven's sakes. I thought you all liked my cost-benefit analysis to be done on regulation. What in the world is wrong with us doing that when we are using Federal tax dollars at the State level? Nothing is wrong with that. It is called good management, good government. There is absolutely nothing wrong with us requiring it in this amendment. It needs to be conducted on preconstruction activities for federally funded highway projects prior to them being contracted out.

What is wrong with that? Do the taxpayers not have a right to know that? I know all of you and all of us have agreed we need cost-benefit analysis on regulations. Let us do it when we are spending Federal dollars.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in strong opposition to the amendment offered by my good friend, which I think is misguided.

The speakers on the other side of the aisle have referred to this as a cost-saver. I think it is more appropriately called a big government bill, very simply, because it adds an additional step to the contracting process on surface transportation projects. Any project above \$50,000 will henceforth, if this amendment passes, have an additional step on it which will require more State workers and more salaries paid to State workers.

Mr. Chairman, as we know, the Joint Economic Committee, of which I am Vice-Chair, this year has produced numerous studies that show that when government grows, the economy slows. That is a very simple concept.

So my friends on the other side of the aisle who are interested in voting tonight for more big government, for more State spending, and more Federal spending, this is just their vote. I do not mean that, I do not say this to be smart. That is exactly what it is.

What we have tried to do here in the last year and a half is to set the stage for smaller government, government that will permit the private sector to grow and to continue to provide opportunities in the free enterprise system for Americans to work and prosper. This amendment goes exactly in the opposite direction, and I urge all Members on both sides of the aisle to vote "no."

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. DUNCAN. Mr. Chairman, I rise in opposition to this amendment. It would add unnecessary delays and added costs to almost every highway project across the country. More importantly, it would go very much against one of the leading recommendations of the most recent White House Conference on Small Business, which adopted as one of its main planks this statement: At the Federal, State, and local levels, laws, regulations, and policies should prohibit direct government-created competition in which government organizations perform commercial services. That hits right at the heart of this amendment. This amendment goes against that leading recommendation. It would be very harmful to small business, it would be very costly to the taxpayer, and I urge the defeat of this amendment.

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

In urging my colleagues to vote with this amendment, I would like to deal with some of the misconceptions put forward about the amendment. People say they want smaller government. What we are doing here would not give us smaller government, if we oppose this amendment, it would give us dumber government, because government would be taking taxpayers' money and not necessarily getting the best deal for it.

□ 2330

We hear it is a violation of States' rights. Not so. This simply says the State needs to go through a justification process, but the decision as to what to do remains with the State. We hear this is unworkable. Any State that is spending tens or hundreds of millions of Federal taxpayer dollars without doing this is running their projects in an unworkable way.

We hear that privatization has been a great success, and since my friends from New Jersey raised New Jersey, let me raise New Jersey. New Jersey, as I understand it, laid off the custodians at the State Capitol, the people who clean the State capitol building in the name of saving money. We have a problem with the Capitol building not being clean and we find out that the firm that was hired to do the work has hired illegal aliens to do the work, so I am not sure that that was a success.

When our constituents, Mr. Chairman, go out and shop tonight for an air-conditioner or a TV set, they look for the best deal. We should do the same thing with their money. I urge my colleagues to support the amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I was in local government for 15 years. This is not true cost-benefit at all; this is a presumption on one side of the ledger sheet and creates a presumption that somehow the public sector delivers this better. It is an unfunded mandate; it is an economic study for every Federal highway program over \$50,000.

This amendment will delay projects, and when you have short construction seasons in some cases, it is going to kick it over, sometimes over a year's delay getting that project costed and that ends up delaying costs and I doubt that even goes into the cost-benefit analysis. This makes it very difficult to contract out and utilize the private sector resources available.

The cost and the delays in undergoing these studies are deterrent to bidding these programs out and using private sector forces. This does not save money, it is anticompetitive, it ends up costing money with the delays, and it diverts dollars from pavement and bridges and it puts them into the bureaucracy and bureaucratic studies.

I think despite its good intentions, this does not cut the mustard, it does not do the job. I urge its defeat.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentleman from New Jersey [Mr. ANDREWS] will be postponed.

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk read as follows:

Amendment offered by Mr. HUNTER: Page 55, after line 15, insert the following new title:

#### TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. (a) LIMITATION ON NEW LOAN GUARANTEES FOR CERTAIN RAILROAD PROJECTS.—None of the funds made available in this Act may be used for the cost of any new loan guarantee commitment for any railroad project, when it is made known to the Federal official having authority to obligate or expend such funds that such railroad project is an international railroad project of the United States and another country, or a railroad project in the United States in the vicinity of the United States border with another country.

(b) EXCEPTION.—Subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a comprehensive study has been conducted after the date of the enactment of this Act regarding criminal activities that have occurred on existing railroads of such type, including—

(A) the use of such railroads to facilitate the smuggling of illegal aliens and illegal drugs into the United States, and the impact of such smuggling on the total number of illegal aliens, and the total amount of illegal drugs, entering the United States; and

(B) the commission of robberies against such railroads; and

(2) a detailed report setting forth the results of such study has been issued and made available to the public.

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

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

There was no objection.

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

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] reserves a point of order.

Pursuant to the unanimous consent agreement of earlier today, the gentleman from California [Mr. HUNTER] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, very simply, this amendment affects the

proposal that the gentleman from California [Mr. FILNER] made on the border train, which lies mainly in my congressional district, and I brought up to my colleagues the problems that we presently have on the southern border of California with overwhelming out of control illegal immigration. It has become a cocaine highway in San Diego and Imperial Counties, and the problem with this train is that a border train, which does not even go into Mexico, in New Mexico was robbed 600 times last year, according to headline stories in the Boston Globe, the L.A. Times and the San Diego Union.

So you have an issue of border control and what effect this border train that weaves in and out of Mexico will have on that situation. Will it become an illegal alien express? Will it be robbed? Will it build up a base of banditry along the southern border?

What my amendment does very simply is it asks for a study. It says, we cannot fund any funds under this section until and unless a study is done that addresses the effect of existing border trains on illegal immigration, cocaine smuggling, and the prospects for banditry which have taken place in great numbers in New Mexico.

So we need information on this proposal, and this amendment asks for a report that gives that information, and certainly I cannot see any proponents wanting to deny the House information that would let us make a reasoned judgment on this border train.

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

Mr. COLEMAN. Mr. Chairman, I rise in opposition to the amendment, mainly so that I could inquire of the author of the amendment, and we could be able to divide some time perhaps so that I could inquire. The language of the amendment is that none of the funds are made available in this act and my understanding is that there are no funds made available in this act for the cost of any new loan guarantee commitment for any railroad project, and when it is made known to the Federal official having the authority to obligate or expend such funds that such railroad project is an international railroad project of the United States and another country, or a railroad project in the United States in the vicinity of the United States border with another country, meaning Alaska, the State of Washington?

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

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

Mr. HUNTER. Mr. Chairman, I would say to the gentleman, no, that does not mean Alaska, if the gentleman is asking.

This is what I would hope that we would do under this, is to look at the existing situation. It is similar to San Diego's, and that is the border train that borders New Mexico that has been robbed 600 times in the last year. The study would under this amendment,

the intent of the author is that we would look at that situation.

Second, with respect to the gentleman's statement that there is no funds under this act, this is attached to this section of the bill on the presumption that if the Filner amendment did pass, there would be funds available in the act?

Mr. COLEMAN. Mr. Chairman, reclaiming my time, I think that is the issue. I mean if the Filner amendment does not pass, then of course this kind of language is not necessary to do that.

I know the gentleman wants to conduct a study, and I do not object to just doing a study, but I am afraid that the way the gentleman has crafted the amendment, we are going to do more than just a study. We may indeed be prohibiting any future use of any loan guarantee funds on behalf of any railroads just because they happen to be near a border, and I do not think that is fair, either. The gentleman represents a border, like I do.

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

The CHAIRMAN. Does the gentleman from Texas continue to reserve his point of order?

Mr. COLEMAN. No, Mr. Chairman, I think it is only a technical flaw and not subject to a point of order.

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

Mr. Chairman, let me just say to my colleagues, for the proponents of this border train, the point of my amendment is that there are a lot of ramifications of this train that go far beyond simply linking up a couple of railheads with an existing port and expediting trade between nations. There are enormous problems along the southern California border. There are right now enormous problems among all of the southern border with enormous illegal immigration and all of the ramifications that come about as a result of that situation.

This amendment has asked for a study. It should not be mission impossible to get a study. Now, if the gentleman says, well, no monies can be spent until there is a study, well, that is easily taken care of by simply producing a study, and I think that INS, at least the people that I have talked to, Customs, Border Patrol, have got facts coming out of their ears with results of what has happened to border trains in the last few months.

So let us have this study, and then the gentleman from California [Mr. FILNER] can move ahead in an informed manner, and I can move ahead in an informed manner, and all Members of the House will know what the facts are. Let us do the study.

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

Mr. COLEMAN. Mr. Chairman, I yield myself 30 seconds.

Again, I think the problem of trying to draft legislation on the floor of the House is evident by the fact that what we have in this particular amendment

says that this would include a railroad project in the United States, in the vicinity of the United States border with another country. That is not just Mexico. Where does everybody get the idea that the border is only Mexico in the United States?

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

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. WOLF], the subcommittee chairman.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. It was an issue that the gentleman from Illinois [Mr. HASTERT] raised with regard to drugs coming out of Mexico. Up to 75 percent of the marijuana is coming across the Mexico border. I think a study is a fair thing to do, so I strongly support the amendment.

Mr. HUNTER. Mr. Chairman I yield such time as he may consume to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I appreciate my dear colleague from San Diego, both of my colleagues from San Diego, and I am going to get in the middle of this family feud. I would ask every Member here and every Member who is watching on C-SPAN, do you hear what is going on? We are talking about trying to have commerce in the good things that we all talk about everything in this country. But here you have two colleagues that have districts side by side, and because of the uncontrolled situation along our frontiers, because not all American soil seems to be created equally.

It does not appear to be by this Congress or other Congresses, because we are in a situation now to where a railroad is threatened because we do not have control of U.S. soil and we are not going to see the commerce and the prosperity that we should see in certain parts of this country, because America and the Federal Government has not taken care of a problem.

I would say to my colleague, the gentleman from California [Mr. HUNTER], does the gentleman know what I would like to see this study say? Not what is going to be the problems, but what can the greatest Nation in the history of the world that travels all around the world to defend and secure the national sovereignty of everybody else, what can we do to make the NAFTA train of the gentleman from California [Mr. FILNER] safe and prosperous? That is what our study should say.

I just ask every one of my colleagues as they go back to the July 4 recess, go back to your districts and think about the fact that the gentleman from California [Mr. FILNER] and the gentleman from California [Mr. HUNTER] are going to go back to their neighborhoods and their neighborhood is not as secure and as safe from foreign intrusion as everyone else in this country should be and presume to be.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I thank the gentleman. I wish all of us, the gentleman, Mr. HUNTER, and Mr. BILBRAY, myself our colleagues, would be working together for the economic development of our region. This amendment does not help any. It does not even apply to the funds that my amendment addressed.

The funds are not from this act. It is not a railroad project of the United States. I asked for loan guarantees for a private sector venture. The private sector is not going to invest \$75 million in a railroad that has banditry problems, that has other problems.

This is a private sector venture that will transform the economy of San Diego. They are going to make the studies. Let us trust the private sector on that side of the aisle. This is what the project is all about, opening the economy, opening the port of San Diego. The private sector will make those studies. They are not going to invest that money if it is unsafe.

So I would say to the gentleman from California [Mr. HUNTER] let us get serious, let us solve the economic problems of San Diego and not just demagogue on this issue of immigration.

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

Mr. COLEMAN. Mr. Chairman, let me just close, if I might, and let me say that I think in terms of dealing with the issue of undocumented persons in America, the issue of dealing with the robberies, the crime that occurs, whether it be from undocumented persons who are foreign nationals or whether it be from legal immigrants or whether it be from United States citizens, those kinds of issues do need to be addressed by all of us in the area of law enforcement.

Indeed, we have in this country a structure and facilities capable of handling many of the illegal activities that do occur. We know along the U.S. Mexico border, for example, I am proud to represent a district directly on that border with a citizenship of nearly 2 million people on both sides of that border, we have incidents of crime and the rest of it just like everywhere else in America. But I can tell you that I do not think it is important for us to suggest that we must somehow stop the kind of progress that has been referred to by all of my colleagues from California and what they intend to do.

I am willing to study the issue, but if criminal or illegal activities have occurred, I know that Federal and State authorities have right now the ability to investigate all of those charges. If illegal activities are in play, we do not need to wait until a study is conducted. I mean after all, that is what the law enforcement officials that we fund, that your State funds, that your local communities fund, are there to do.

So Mr. Chairman, I would ask that my colleagues defeat the amendment offered by the gentleman from California [Mr. HUNTER] in this instance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The amendment was agreed to.

□ 2345

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

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

The Clerk read as follows:

Amendment offered by Mr. COLLINS of Georgia: Page 55, after line 15, insert the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used by the National Transportation Safety Board to plan, conduct, or enter into any contract for a study to determine the feasibility of allowing individuals who are more than 60 years of age to pilot commercial aircraft.

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

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

There was no objection.

The CHAIRMAN. Under the earlier unanimous-consent agreement, the gentleman from Georgia [Mr. COLLINS] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the report accompanying the Department of Transportation Appropriations Act contains language directing the National Transportation Safety Board to review and issue a report on the Federal Aviation Administration's "age 60 rule" which requires pilots to retire upon reaching the age of 60.

The amendment offered by the gentleman from Minnesota [Mr. OBERSTAR] and myself prohibits funding of this study based upon several reasons.

First, the NTSB is not the appropriate agency to undertake such a study. The chairman of the National Transportation Safety Board responded to an inquiry from the gentleman from Wisconsin [Mr. OBEY] just yesterday. The National Transportation Safety Board letter stated that the basic scientific research required by such a study is currently beyond the mission and capability of the Safety Board. In addition, the letter stated that such a study would require about 1½ years of professional staff effort, and could replace or delay other safety studies already scheduled.

Mr. Chairman, I strongly believe that taxpayer dollars should be targeted to the mission of the National Transportation Safety Board, which is investigating accidents and helping to prevent their reoccurrences, and not diverted for projects for which the agency is not suited.

Second, the age 60 rule has been studied and restudied for decades by experts in the field. Congress ordered a major study in 1979. The National Institutes of Health, National Institutes of Aging, and National Academy of Sciences undertook an exhaustive study and concluded that while there may be individuals capable of flying after age 60, there was no way to make such a determination without constant examinations, which are completely impractical.

During the 1980's the issue was revisited in various forums without change, and in 1995 the Federal Aviation Administration, which has a medical component, undertook another extensive review, receiving thousands of comments. Not only did the agency conclude that a change in the retirement age was not warranted, but it applied the age 60 rule to commuter airlines which had been allowed to have pilots over the age of 60. I reiterate, this was just last year.

I believe that requiring the National Transportation Safety Board to do yet another study is not only unwarranted, it is not a wise use of taxpayers' dollars, and certainly not a wise use of the National Transportation Safety Board's already strained resources.

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

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] rise in opposition?

Mr. WOLF. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Virginia will control 10 minutes in opposition.

Mr. WOLF. Mr. Chairman, I yield myself 4 minutes.

If this bill said to raise the age to 60 or 61, I would not be for it. All it says is the National Transportation Safety Board should look at the issue. Fifteen other countries do it. We know what has happened. There has been some political pressure by one group who has come in and said, "Don't even look at it." We cannot put our head in the sand on this issue.

You can argue it is age discrimination. Should we have an amendment that every Member of Congress over 60 ought to bail out of here? That every surgeon ought to bail out of here? That every dentist ought to bail out of here? That every whatever ought to bail out of here? The answer is no. All it is is a study to see, because it may be a major safety issue. Let me just read a couple of things.

The NTSB at our hearing stated that there is data showing that flying skills, judgment, and seasoning in general do improve with experience. If you think back to the Sioux City accident, the United Airlines pilot who saved a lot of lives was able to avert a tragic accident at the last minute. That pilot was 59 years old and had to retire the following year. Another example that comes to mind is United Airlines 811 where the cargo door blew out, causing

both engines on the left side of the plane to fail and placed large holes in the floor and the wall. The pilot, age 59, brought the plane to a safe landing in Honolulu and the NTSB cited his skill as the finest piloting job ever done under these circumstances.

In comparison, there are some vivid examples of young pilots who lack the seasoning and the skills to recognize the seriousness of conditions they are flying in and have caused tragic accidents.

Let me give an example. A recent accident is the American Eagle accident near Morrisville, NC that occurred because a young pilot, age 29, misinterpreted an engine-out light and lost his orientation, resulting in a perfectly good aircraft being flown into the ground. Another example is when a Henson Airlines pilot, using an incorrect navigation aid, flew the aircraft into a mountain near Grotto, VA. In this case the copilot was 26 years old, even younger and less experienced than the pilot.

I final example is a 1983 Air Illinois flight where a 32-year-old pilot took off at night, lost electrical power, and instead of turning the aircraft around for an emergency landing, he continued to fly the aircraft and he crashed it.

I do not say that the age out to be raised. I am not sure. If there were a vote today to raise the age, I would oppose it. But everything that we could do in this bill to make the airlines safer, we have done. Safety has been the number one priority. We put more money in this bill than the FAA even asked us for for safety. This side of the aisle and the gentleman from Texas [Mr. COLEMAN] can be proud, this is a safety bill. This may be a safety issue. When you walk in that aircraft, you may like to see a little gray on that pilot's hair.

If you vote for this amendment to knock this out, then maybe you ought to support an amendment that every Member of Congress over 60 ought to bail out and your dentist ought to bail out and your surgeon ought to bail out.

I do not know if it ought to be raised. I do not know. But what I do know is this was put in in 1959. Men are living longer since 1959. Some men work out and take care of themselves. Maybe we should take some pilots after they are 55 and maybe some that are 61. I do not know. But I want the NTSB to look at it, study it, come back and make a recommendation to the FAA. And whatever the FAA does, I will be happy with. But I cannot say we ought not even look at this.

Mr. Chairman, I strongly urge the defeat of this amendment.

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

Mr. COLLINS of Georgia. I remind the gentleman, this is not the FAA. This is the NTSB.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to rise in support of the

amendment and note that if a Member of Congress has a heart attack or if a dentist has a heart attack, the public safety is not at risk. That is not the case in the occupation we are talking about here tonight.

I would also say that it is important to understand that the National Transportation Safety Board itself does not believe that it is qualified to conduct the study that it is being asked to conduct. When we asked them what they felt about it, they responded as follows:

It is likely that the proposed study will conclude that significant new laboratory research on the effect of aging on tasks that are critical to safe performance as an airline pilot will be required. Basic safety research of this nature, of course, is currently beyond the mission and capability of the Safety Board.

After that letter was sent, I understand that they sent another letter to the gentleman from Virginia [Mr. WOLF], because I know how things work. When the subcommittee chairman says something, they respond. In the subsequent letter which the agency sent to the gentleman from Virginia, they indicated that they would conduct the study if they were asked to do so and if it was requested. But, I will repeat, they indicated that in their judgment such a study, while they would do it if told to by the Congress, is beyond the mission and the capability of the Safety Board.

So it seems to me that maybe this study ought to be conducted, but it certainly should not be conducted by an agency that itself believes it does not have the capacity to do it. I would urge that the gentleman's amendment be adopted.

Mr. WOLF. Mr. Chairman, I yield myself 30 seconds.

There was no pressure. I said to Mr. Hall, "You do the right thing, whatever the right thing is."

Second, I do not have the confidence in the FAA to do this study and I wanted the National Transportation Safety Board, which is above and beyond the pressure of politics and Cabinet secretaries of whatever administration, to evaluate all the data—as I said, 15 other countries do it—and make a report back. I tell the gentleman it is the Safety Board that would make the report back to the FAA and the FAA would do whatever.

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

Mr. COLLINS of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Georgia [Mr. COLLINS] and the ranking member of the full Committee on Transportation and Infrastructure, the gentleman from Minnesota [Mr. OBERSTAR].

I seriously doubt, Mr. Chairman, that the Federal Government needs another study. But if one is needed, then we should let the groups and the companies which are for and against this fund

these studies. In addition, we can hold hearings on this without requiring the taxpayers to fund any new studies.

I know there are good and well-intentioned people on both sides of this issue, but this question has already been much studied since this rule was first imposed during the Eisenhower administration. As has been pointed out, National Transportation Safety Board Chairman Hall recently wrote that this study, "may replace or delay other safety studies scheduled for accomplishment during fiscal year 1997."

The Federal Aviation Administration, as a result of its studies and its one-level-of-safety initiative, concluded just this past December that the age 60 rule should not be changed and, moreover, the FAA has recently applied the age 60 rule to commuter pilots.

Mr. Chairman, I think this is a good amendment and I urge its support.

Mr. COLLINS of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. I thank the gentleman for yielding me this time and for cosponsoring this amendment, for initiating it, in fact.

Mr. Chairman, I was very interested and pleased to hear that the chairman of the appropriations subcommittee mentioned the Sioux City, IA crash. People walked away from that crash for a couple of reasons: The seat strengthening that was required on all aircraft, to 18 G forces, that kept those seats in place and saved 110 lives; and for the skill of that pilot in managing this aircraft when he lost all control surfaces. Capt. Al Haynes, who flew that aircraft, is very strongly in support of the age 60 rule. I do not think it was the intention of the chairman to imply that he was opposed to the age 60 rule, but it is very clear that Capt. Al Haynes supports the age 60 rule and wants it to remain in place.

This issue has been studied to death. We do not need to waste more dollars and the precious resources of the National Transportation Safety Board on another study. In 1979 Congress directed NIH to study the age 60 rule. The Institute on Aging, the Institute of Medicine, the National Academy of Sciences conducted the research, prepared the report, completed it in 1981, and recommended keeping the age 60 rule and extending it to commuter pilots—1981. It took until this year, under the one-level-of-safety rule issued by the FAA, to extend that rule to commuter airlines and to standardize the age 60 rule for all of aviation.

The Academy of Sciences, the FAA, and the Civil Aeromedical Institute have conducted extensive studies on this issue. They all have come to the same conclusion after thousands of comments, after extensive review, public hearings, extensive debate over the 37 years this rule has been in place. Every entry pilot knows that age 20 or whatever it is when that pilot enters

that cockpit, that at age 60 they are going to have to retire. They live by it and they know it.

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This is a safety issue. Every entity that has studied it has come down on the side of retaining age 60 as a safety measure. Do not mess with something that is working, that is safe. Keep it in place.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, I thank the chairman and ranking member for the hard work they have done on this bill. While I have the deepest respect for my friend from Georgia, I have to rise in opposition to his amendment.

Clearly great controversy exists regarding the age 60 rule. Therefore, I believe it is entirely appropriate for a study to be done by the NTSB to provide us with some hard data. So far the data that exists leads me to believe that this rule is totally out of date. The FAA's latest study released in 1993 showed that accidents declined to their safest level at age 55 and remained at that level until the age of 63. Now, that study also showed that the highest risk age category was from 24 years old to 39 years old, and it stated and I quote:

In all of our analyses, we saw no hint of an increase in the accident rate for pilots of scheduled air carriers as they neared their 60th birthday.

Further, accident data collected by the National Transportation Safety Board confirms that inexperience, not age, is the leading cause of aviation accidents.

When we really need to know what caused an accident, we do not call the FAA. We call the NTSB. They have worldwide respect in their knowledge of what causes accidents. So it is only natural to ask the NTSB to make this kind of study and report to the FAA and look at it. So why does the FAA insist so stubbornly on retaining this rule?

I think it is time to really fully examine the relationship between age and performance and explore alternatives to the age 60 rule. Our friends on the other side of the Atlantic are already moving in this direction. Additionally, foreign carriers are allowed to fly under less restrictive age rules through and into U.S. airspace in America. This is absurd. Vote "no" on the amendment.

The CHAIRMAN. The gentleman from Virginia, Mr. WOLF, has 3 minutes remaining and the right to close, and the gentleman from Georgia, [Mr. COLLINS], has 1 minute remaining.

Mr. COLLINS of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Texas, [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I only wanted to say to my colleagues, the gentleman from Virginia [Mr. WOLF] has done what he should have done with NTSB. He has agreed to their reprogramming requests. Let me tell all of my colleagues why this amendment is important. The safety studies are already in progress by NTSB. They are



not going to get any more money by doing this study. In progress, they have emergency evacuation of commercial aviation under aviation; under highways they have a child-passenger protection study; a study of passive grade-crossing study; effectiveness of school bus seat belt study; a fishing vessel safety study; evacuation damage prevention for pipeline safety; safety at passive grade crossings and rail safety.

In addition to that, at the moment they have 24 ongoing major accident investigations in all modes of transportation; 8 of them are in aviation. We are not going to give them more resources, but we are going to ask them more or less let us do another study. That is the reason I think the gentleman from Georgia's amendment is appropriate at this point in time. If we want to have people do more studies, we are going to have to pay for it. Is that not what we all said when we talk about a balanced budget? I think the gentleman from Georgia's amendment is a good one and I recommend it to my colleagues.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, let me make several points. There is nothing magic about the age 60. It is strictly an arbitrary age. We can pick 59, we can pick 50 or 70. It is arbitrary. People are living longer and more productive lives. All common carrier planes have to have at least two pilots. A heart attack will not cause the plane to go down and they also, most of them, have a flight engineer. No other profession requires the termination of their careers at age 60, not the railroad engineer, not a bus driver, not a truck driver, not a physician, a nurse. Age 60 is not consistent with the Age Discrimination in Employment Act which states that ability, not age, should determine an individual's qualifications for getting and keeping a job.

These pilots are willing to subject themselves to rigorous medical or physical tests in order to keep flying. That should be what determines whether they are qualified to fly or not is if they are physically capable of doing so. I urge my colleagues to oppose this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly oppose the gentleman from Georgia's amendment. Let me tell Members why. I am not asking to let STORM THURMOND fly, but in my experience, I can name a dozen people that are flying in air shows right now at that age that are pulling minus 5 G's and positive 9 G's every day. And we go through a rigorous examination, an annual physical. They even check for drug and alcohol, for eye, for heart, for sonograms, and that picks out what it

is. If my colleagues ask me, with my experience, what flying requires, if I am going to fly with a young pilot or an experienced pilot, I am going to take the experienced pilot because in the long run that is going to be safe.

Mr. Chairman, I do not believe, and I know Members have good intentions on this amendment, that age 60 should limit someone. When we talk about it is a wasted study, when we are talking about taking someone's livelihood, that is not proportionate to the safety exercised. I believe that is wrong and I oppose the amendment.

Mr. WOLF. Mr. Chairman, I yield to a Member who will be so convincing, the next Senator, the gentleman from Iowa [Mr. LIGHTFOOT].

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

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding me the time, and I hope I can meet up to our chairman's expectations.

Mr. Chairman, I rise in opposition to the amendment, based on a couple of reasons. First of all, my good friend from Minnesota said that we have studied this forever and we agree about 99 percent on what we need to do with the FAA. But the problem is, there is no data to study. We do not have any pilots in this country flying commercial airlines over the age of 60 because the law has prohibited it for 37 years. So it is very difficult to study the performance of people over the age of 60 if you do not let them fly in the first place.

So in order to reach some kind of a logical agreement, I agree with the gentleman from Virginia, [Mr. WOLF], the vote was tonight to raise the age limit. I think I would be opposed to it simply because we do not have the data available to do it. All that the chairman is asking us to do is to try to look at other countries that are allowing commercial airline pilots over the age of 60 to perform, to see how they meet the safety standards, to see how they stack up, to see what their accident rate is, and then perhaps the NTSB, working with FAA can make the proper decision.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. COLLINS.]

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

Mr. COLLINS of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentleman from Georgia [Mr. COLLINS] will be postponed.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 460, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment of-

ferred by the gentleman from Minnesota [Mr. OBERSTAR]; the amendment offered by the gentleman from California [Mr. FILNER]; the amendment offered by the gentleman from New Jersey [Mr. ANDREWS]; and the amendment offered by the gentleman from Georgia [Mr. COLLINS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBERSTAR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 212, not voting 28, as follows:

[Roll No. 288]

#### AYES—193

|              |                |               |
|--------------|----------------|---------------|
| Abercrombie  | Eshoo          | McHale        |
| Andrews      | Evans          | McIntosh      |
| Baessler     | Farr           | McKinney      |
| Baldacci     | Fattah         | McNulty       |
| Ballenger    | Fazio          | Meehan        |
| Barcia       | Fields (LA)    | Meek          |
| Barrett (WI) | Filner         | Menendez      |
| Becerra      | Ford           | Millender-    |
| Beilenson    | Frank (MA)     | McDonald      |
| Bentsen      | Frost          | Miller (CA)   |
| Berman       | Furse          | Minge         |
| Bevill       | Gejdenson      | Mink          |
| Bishop       | Geren          | Moakley       |
| Blumenauer   | Gonzalez       | Mollohan      |
| Bonior       | Goodling       | Montgomery    |
| Borski       | Gordon         | Moran         |
| Boucher      | Green (TX)     | Murtha        |
| Browder      | Hall (TX)      | Nadler        |
| Brown (CA)   | Hamilton       | Neal          |
| Brown (FL)   | Harman         | Oberstar      |
| Brown (OH)   | Hastings (FL)  | Obey          |
| Cardin       | Hefner         | Olver         |
| Chabot       | Hilliard       | Ortiz         |
| Chapman      | Hinchey        | Orton         |
| Clay         | Holden         | Owens         |
| Clayton      | Hoyer          | Pallone       |
| Clement      | Jackson (IL)   | Pastor        |
| Clinger      | Jackson-Lee    | Payne (NJ)    |
| Clyburn      | (TX)           | Payne (VA)    |
| Coleman      | Jefferson      | Pelosi        |
| Collins (GA) | Johnson (SD)   | Peterson (MN) |
| Collins (IL) | Johnson, E. B. | Poshard       |
| Collins (MI) | Johnston       | Quillen       |
| Condit       | Kanjorski      | Rahall        |
| Conyers      | Kaptur         | Rangel        |
| Costello     | Kennedy (MA)   | Reed          |
| Coyne        | Kennedy (RI)   | Richardson    |
| Cramer       | Kennelly       | Rivers        |
| Cummings     | Kildee         | Roemer        |
| Danner       | Kleczka        | Rose          |
| de la Garza  | Klink          | Roybal-Allard |
| Deal         | LaFalce        | Rush          |
| DeFazio      | LaHood         | Sabo          |
| DeLauro      | Lantos         | Sanders       |
| Dellums      | Levin          | Sawyer        |
| Deutsch      | Lewis (GA)     | Schroeder     |
| Dicks        | Lipinski       | Schumer       |
| Dixon        | Lofgren        | Scott         |
| Doggett      | Lowey          | Serrano       |
| Dooley       | Luther         | Shuster       |
| Doyle        | Maloney        | Siskis        |
| Duncan       | Manton         | Skaggs        |
| Durbin       | Markey         | Skelton       |
| Edwards      | Mascara        | Slaughter     |
| Engel        | Matsui         | Spratt        |
| English      | McCarthy       | Stenholm      |
| Ensign       | McDermott      | Stokes        |