GIVE COMMUTERS A CHOICE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing the Commuter Choice Act, legislation that would help the environment while giving commuters greater choices in how they get to work.

Too often, our tax code subsidizes commuting by cars at the expense of other forms of transportation. Under current law, an employer can provide its employees free parking valued at up to $170/month. The employee does not include this benefit as income, and the employer may deduct the cost of providing the parking when computing its own taxes. However, if the employer provides its employees subsidized transit passes, the employee must include the benefit as income if it exceeds $65/month. In other words, if you commute by car, you can receive the equivalent of $170/month tax free. If you commute by bus or subway, you can only receive the equivalent of $65/month tax free.

The code discriminates even more against those who walk, car pool or commute by bicycle. Suppose that, in addition to parking and mass transit, an employer wants to give its employees the choice of receiving a commuting stipend. In other words, an employee could choose between a parking space, a transit pass or $20/month to cover other commuting expenses. Current tax law dictates that the cash stipend by included as income and taxed. In addition, if the employer offers employees the OPTION of a commuting stipend, then all employees must include the value of the cash stipend as income. In other words, the employees would have to pay taxes on the value of the cash stipend, even if they chose a parking space or transit pass. This tax treatment provides a huge disincentive for employers to offer a commuting stipend in lieu of a parking space.

My legislation would level the playing field among commuting choices. First, it would increase the value of transit subsidies that an employee could receive tax free to $170/month, the same value as the parking space. In addition, it would allow employers to offer employees the choice of a commuting stipend. Finally, it would require employers to offer employees the option of a cash stipend of at least $15/month. The result is that all commuting benefits are treated more equally.

This bill can help reduce congestion and combat air pollution, and it does so without raising taxes or creating new environmental regulations. It simply gives commuters a choice.

INTRODUCTION OF THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. YOUNG of Alaska. Mr. Speaker, on behalf of myself and 66 other Members of the House, I am introducing the American Land Sovereignty Protection Act today. This legislation will require the specific approval of Congress before any area within the United States is subject to an international land use nomination, classification, or designation. International land reserves such as world heritage sites, biosphere reserves, and some other international land use designations can affect the use and market value of non-Federal lands adjacent to or intermixed with Federal lands. Legislation is needed to require the specific approval of Congress before any area within the United States is made part of an international land reserve. The rights of non-Federal landowners need to be protected if these international land designations are made.

This legislation: First, asserts the power of Congress under article IV, section 3 of the U.S. Constitution over management and use of lands belonging to the United States; second, protects State sovereignty from diminishment as a result of Federal actions creating international land reserves; third, ensures that no U.S. citizen suffers any diminishment or loss of individual rights as a result of Federal actions creating United Nations land reserves; fourth, protects private interests in real property from diminishment as a result of Federal actions designating land reserves; and fifth, provides a process under which the United States may when desirable designate lands for inclusion in reserves under certain international agreements.

I introduced this legislation in the last Congress as H.R. 3752, which simply required congressional approval of United Nations land designations in the United States. In a rollcall H.R. 3752 failed—by a 246-to-178 vote—to receive the two-thirds majority necessary to suspend the rules and pass the bill. I am amazed that a single Member of Congress would oppose legislation requiring congressional oversight of international land designations within the borders of the United States.

What is unreasonable about Congress insisting that no land be designated for inclusion in international land reserves without the clear and direct approval of Congress? What is unreasonable about having local citizens and public officials participate in decisions on designating land near their homes for inclusion in an international reserve?

Many, many Americans from all sections of our country have called my office to say that they are concerned about the lack of congressional oversight over UNESCO international land designations in the United States and to express their support for this bill. They are surprised by the expanse of our Nation's territory which is subject to various special international restrictions, most of which have evolved over the last 25 years. The most extensive international land use designations are UNESCO biosphere reserve programs and world heritage sites. These international land reserves have largely been created with minimal, if any, congressional input or oversight or public input.

The Committee on Resources held a hearing on the American Land Sovereignty Protection Act in the 104th Congress. Seven witnesses including three local elected officials and a Member of Congress testified in support of this legislation. The former Representative and now Senator from Arkansas, the Honorable TIM HUTCHINSON, a cosponsor of H.R. 3752, outlined the problems associated with a proposed ''Ozark Highland Man and Biosphere Plan'' which was advanced without public input and has apparently been subsequently withdrawn after strong public opposition developed following discovery of the proposal; local elected officials from New York and New Mexico confirmed that there is little or no input by the public or elected officials into United Nations land designations. A Cornell University professor of government testified that ''if the bill is seen by some as symbolic, it is still a useful symbol. It is not at all inappropriate at this time to reemphasize the congressional duty to keep international commitments from floating free of traditional constitutional restraints.''

In becoming a party to these international land use designations through executive branch action, the United States may be indirectly agreeing to terms of international treaties, such as the Convention of Biodiversity, to which the United States is not a party or which the U.S. Senate has refused to ratify. For example, the Seville Strategy for Biosphere Reserves, adopted in late 1995, recommends that participating countries ''integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biodiversity strategies and action plans provided for in article 6 of the Convention on Biodiversity.'' Furthermore, the Strategic Plan for the U.S. Biosphere Reserve Program published in 1994 by the U.S. State Department states that a goal of the U.S. Biosphere Reserve Program is to ''create a national network of biosphere reserves that represents the biogeographical diversity of the United States and fulfills the internationally established roles and functions of biosphere reserves.''

Also disturbing is that designation of biosphere reserves and world heritage sites rarely involve consulting the public and local governments. In fact, UNESCO policy apparently discourages an open nomination process for biosphere reserves. The Operational Guidelines for the Implementation of the World Heritage Convention state:

> In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State [national] parties should refrain from giving undue publicity to the fact that a property has been nominated for inscription pending the final decision of the [World Heritage] Committee on the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the Committee.

By allowing these international land use designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated reserve. Honoring these agreements could force the Federal Government to prohibit or limit some uses of private lands outside the international reserve unless our country wants to break a pledge to other nations. At a minimum, this puts U.S. land policymakers in an awkward position. These Federal regulatory actions could cause a significant adverse impact on the value of private property and on local and regional economies.

At best, world heritage site and biosphere reserve designations give the international community an open invitation to interfere in domestic land use decisions. More seriously,

the underlying international land use agreements potentially have several significant adverse effects on the American system of government. The policymaking authority is farther centralized at the Federal/executive branch level, and the role that the ordinary citizen has in the making of this policy through their elected representatives is diminished. The executive branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of Congress, but without consulting Congress.

The legislation introduced today will compel the Congress to consider the implications of an international land designation and protect the rights vested in non-Federal property before a designation is made.

KNOXVILLE RESOLUTION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. DUNCAN. Mr. Speaker, I would like to call to the attention of my colleagues and to the readers of the RECORD a resolution passed by the Knoxville City Council. This resolution, R–384–96, endorses a balanced budget amendment to the U.S. Constitution. R–384–96 was sponsored by City Councilman Gary Underwood and forwarded to my attention by the mayor of Knoxville, Victor Ashe.

This resolution is yet another example of the widespread support for a balanced budget amendment to the Constitution. The reasons and clearly thought out practical examples expressed in R–384–96 are held by hundreds of thousands of Americans across our Nation.

For many years our national Government was dominated by those with a very liberal mindset, and there was little serious interest in attempting to balance our budget. In fact, we have not balanced it since 1969, and huge annual deficits have resulted in a $5 trillion national debt today. If we do not put a stop to this madness, we will absolutely destroy the standard of living of our children and grandchildren.

While I wish we did not need a balanced budget amendment, I agree with the Knoxville city council that if one is not enacted, we may never balance the budget. Historically, we simply have not done a good job in limiting Federal programs and reducing waste. There are 435 Members in the House who have their own funding priorities, another 100 Senators who have their own, and of course, the President also has his funding preferences. It becomes very difficult to reach an agreement on the budget if we do not set absolute caps which place funding limitations on Federal spending.

This issue is once again being debated in the 105th Congress, and I am proud to be a cosponsor of House Joint Resolution 1, which would provide an amendment to the Constitution requiring a balanced budget.

Our Federal deficit is one of the most serious concerns facing our Nation. If we bring Government spending under control and deregulate our economy, it could boom for many years to come. Times are good now for some people, but they could and should be good for almost everyone. We could really reduce the gap between the rich and the poor if we could decrease the power and cost of our government at all levels, but especially at the Federal level.

I request that a copy of the attached resolution passed by the Knoxville city council be placed in the RECORD at this point. I hope that my colleagues will join the Knoxville city council and me in supporting House Joint Resolution 1, the balanced budget amendment.

RESOLUTION

A resolution of the Council of the City of Knoxville urging the U.S. Congress to pass a balanced budget amendment to the United States Constitution.

Whereas, the City of Knoxville, Knox County, and the State of Tennessee balance their budgets annually; and

Whereas, Knoxville families must balance their budgets; and

Whereas, a balanced federal budget would reduce interest rates, thereby helping home owners and buyers; and

Whereas, Congress should set an example for the citizens who elect them by being fiscally responsible; and

Whereas, last year the Balanced Budget Constitutional Amendment failed by only one vote in the United States Senate; and

Whereas, Congress appears incapable of balancing our national budget without a constitutional requirement; and

Whereas, this proposed constitutional amendment is supported by Congressman John Duncan, Congressman Zack Wamp, Congressman Van Hilleary, and by Senator Bill Frist and Senator Fred Thompson.

Now therefore be it resolved by the Council of the City of Knoxville:

Section 1: The City Council of the City of Knoxville urges in the strongest possible terms that Congress pass a Balanced Budget Amendment to the Constitution of the United States of America.

Section 2: The City Recorder for the City of Knoxville is hereby directed to forward a copy of this Resolution to the Tennessee members of the U.S. Congress.

Section 3: This Resolution shall take effect from and after its passage, the public welfare requiring it.

AIRPORT AND AIRWAY TRUST FUND TAX REINSTATEMENT ACT OF 1997 (H.R. 668)

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mrs. SMITH of Washington. Mr. Speaker, I want to express my support of H.R. 668, the Airport and Airway Trust Fund Tax Reinstatement Act. This legislation was approved by the House yesterday with my full support and I want to make clear my reasons for supporting this much-needed legislation.

This legislation was requested by the White House in order to resolve a funding shortfall in the airport and airway trust fund. The legislation extends a 10-percent excise tax on airline tickets. This surcharge on airline tickets and the other excise taxes on airline travel expired at the end of last December and have been critical to the airport trust fund.

Without the extension of these aviation excise taxes, the Federal Aviation Administration [FAA] will have trouble maintaining construction and safety improvements of our Nation's aviation system. In fact, the FAA has warned that if this funding shortfall is not corrected, within 5 days they would have to begin sending out notices canceling or suspending contracts which involve safety expenditures and airport improvements. Air traffic safety is not something that we can jeopardize.

H.R. 668 maintains the aviation excise taxes that have been a regular feature of airline travel since 1970 and extends them through September 30, 1997. I do not believe that extension of the 10-percent ticket tax imposes new taxes on Americans. It simply maintains the same financing structure we have had for over 20 years to take care of our air traffic facilities.

SAN FRANCISCO BAY SHIPPING AND FISHERIES ENHANCEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. MILLER of California. Mr. Speaker, today I am introducing the San Francisco Bay Shipping and Fisheries Enhancement Act. This legislation will protect both the economy and the environment of the San Francisco Bay area by taking preventive action to reduce the chances of a catastrophic oil spill in this irreplaceable bay.

On October 28, 1996, diesel fuel was accidentally released from a maritime administration ship in dry dock in San Francisco. Only about 8,000 gallons of oil entered the water but, due to weather and other factors, even this small spill got out from under the control of the Federal and State officials charged with containing and cleaning up oil spills. As bay area residents watched, the oil spread outside the Golden Gate and north of the San Rafael Bridge.

According to the San Francisco Chronicle, the cost of cleanup has exceeded $10 million, rivaling the $14 million cleanup of the much larger spill at Shell's Martinez refinery in 1988. The October spill was only about one-tenth of 1 percent of the size of the *Exxon Valdez* spill, yet *Valdez*-sized tankers laden with millions of gallons of crude oil make dozens of trips into the bay each year. In fact, the *Valdez* was bound for San Francisco when it ran aground in 1989. If a small spill like the one that occurred in October could cause this much damage, a *Valdez*-size spill would surely devastate the bay area, both economically and environmentally, for decades.

We got lucky in October. We got a wake up call the caused only modest damage. Next time we may not be so lucky. After a spill, we can send in all the king's horses and all the king's men, but they still can't put Humpty Dumpty back together. When dealing with oil spills, we need to heed the old adage—an ounce of prevention is worth a pound of cure.

The San Francisco Bay Shipping and Fisheries Enhancement Act—Bay SAFE—will provide that ounce of prevention by authorizing the removal of underwater rocks in San Francisco Bay that pose a danger to deep draft vessels, like oil tankers. Near Alcatraz, there are number of rock reefs lying less than 40 feet below the surface. The Coast Guard considers these rocks to be hazards to navigation and recommends their removal. In 1992, the San Francisco Bay Harbor Safety Committee, in its harbor safety plan, recommended that