

NOES—178

Abercrombie	Gilman	Neal
Ackerman	Goss	Oberstar
Allen	Greenwood	Obey
Andrews	Gutierrez	Olver
Barrett (WI)	Hastings (FL)	Owens
Bass	Hefner	Pallone
Becerra	Hinchev	Pastor
Bentsen	Hooley	Payne
Bereuter	Horn	Pelosi
Berman	Jackson (IL)	Pomeroy
Bilbray	Johnson (CT)	Porter
Blagojevich	Johnson (WI)	Portman
Boehlert	Johnson, E. B.	Poshard
Bonior	Kanjorski	Price (NC)
Borski	Kaptur	Rahall
Boucher	Kelly	Ramstad
Brown (CA)	Kennedy (MA)	Rangel
Brown (FL)	Kennedy (RI)	Reyes
Brown (OH)	Kennelly	Rivers
Capps	Kildee	Rodriguez
Cardin	Kilpatrick	Roukema
Carson	Kind (WI)	Roybal-Allard
Castle	Klecza	Rush
Clay	Klink	Sabo
Clayton	Klug	Sanders
Clyburn	Kucinich	Sanford
Conyers	LaFalce	Sawyer
Costello	Lampson	Saxton
Coyne	Lazio	Schumer
Cummings	Levin	Serrano
Davis (FL)	Lewis (GA)	Shays
Davis (IL)	Lipinski	Sherman
DeFazio	Lofgren	Skaggs
DeGette	Lowey	Slaughter
Delahunt	Luther	Smith (NJ)
DeLauro	Maloney (CT)	Smith, Adam
Dellums	Maloney (NY)	Snyder
Dicks	Manton	Spratt
Dingell	Markey	Stabenow
Dixon	Matsui	Stark
Doggett	McCarthy (MO)	Stokes
Ehlers	McCarthy (NY)	Stupak
Engel	McDermott	Tauscher
Eshoo	McGovern	Thurman
Evans	McHale	Tierney
Ewing	McKinney	Torres
Farr	McNulty	Towns
Fattah	Meehan	Velazquez
Fawell	Meek	Vento
Filner	Menendez	Vislosky
Flake	Millender	Walsh
Foglietta	McDonald	Waters
Forbes	Miller (CA)	Watt (NC)
Frank (MA)	Minge	Waxman
Frelinghuysen	Mink	Wexler
Furse	Moakley	Wise
Ganske	Mollohan	Woolsey
Gejdenson	Moran (VA)	Wynn
Gephardt	Morella	Yates
Gilchrest	Nadler	

NOT VOTING—8

Chambliss	Jackson-Lee	McIntosh
Cubin	(TX)	Schiff
Gonzalez	Lantos	Strickland

□ 1437

Mr. FLAKE changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on rollcall vote 519, final passage of H.R. 1534, I had a malfunctioning House beeper and was not able to get to the vote. Had I been present, I would have voted "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1534, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

Mr. COBLE. Mr. Speaker, I ask unanimous consent that in the engrossment

of the bill, H.R. 1534, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1534.

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

There was no objection.

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on rollcall vote No. 518, the Boehlert substitute, I was, believe it or not, in the Capitol chapel and missed my first vote since I became a Member of this body in 1987. Unfortunately, the battery in my pager was dead, and I was unaware that there was a vote. I know, "My dog ate it." Had I been present, I would have voted "aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2646, EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105-336) on the resolution (H. Res. 274) providing for consideration of the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 270 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 270

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as

read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and an amendment in the nature of a substitute by Representative Oberstar of Minnesota. The amendment by Representative Oberstar may be offered only after the disposition of the amendments printed in the report of the Committee on Rules, shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The amendments printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore [Mr. FOLEY]. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 270 is a modified closed rule providing for consideration of H.R. 2247, the Amtrak Reform and Privatization Act of 1997.

Mr. Speaker, the rule provides for 1 hour of general debate, equally divided, and makes in order the Committee on Transportation and Infrastructure's amendment in the nature of a substitute.

Further, the rule makes in order two amendments printed in the report of the Committee on Rules as well as the Democratic substitute.

To expedite floor proceedings, the Chairman of the Committee of the Whole may be allowed to postpone votes during the consideration of H.R. 2247 and to reduce votes to 5 minutes, provided they follow a 15-minute vote.

Finally, the rule also provides the minority with the customary motion

to recommit with or without instructions.

□ 1445

Many of my colleagues may recall that last Congress the House considered and passed an Amtrak reform bill. In fact, that bill is virtually identical to the legislation before us today and it passed the House by an overwhelming vote of 406 to 4 with the support of both political parties, the administration, and organized labor. So one would think that without much debate the House could again easily pass this compromise legislation. But oddly things have changed.

Last night, in the Committee on Rules we heard testimony to the effect that organized labor has had a change of heart and no longer finds the Amtrak reform bill to their liking. While the reason for this mood swing was not made fully clear, the Committee on Rules voted to make in order two amendments that had the support of organized labor, a bipartisan amendment offered by my colleagues, the gentlemen from Ohio [Mr. LATOURETTE], and [Mr. TRAFICANT], as well as an amendment offered by the gentleman from New York [Mr. QUINN], which will be offered as a substitute to the LaTourette-Traficant amendment. Each amendment will be debatable for 20 minutes.

In a further effort to alleviate recent concerns, the Committee on Rules agreed to allow the ranking Democrat on the Committee on Transportation and Infrastructure to offer an amendment in the nature of a substitute which will be debatable for 30 minutes. That means that under the rule, two Democrats and two Republicans will have the opportunity to offer amendments to the Amtrak reform bill. In addition, the minority has the opportunity to offer a motion to recommit with or without instructions.

I would submit to my colleagues that the rule before us is very balanced and, given the easy passage of virtually identical legislation in the 104th Congress, I think the rule provides adequate time to debate the substance of the legislation, including the new concerns that have cropped up.

Mr. Speaker, not only is the rule before us fair, but the underlying legislation it allows the House to debate is rapidly deteriorating. In April of this year, the Committee on Transportation and Infrastructure appointed a panel of outside experts to study Amtrak. The panel reached the unanimous conclusion that Amtrak is facing a severe financial crisis with bankruptcy looming the next 6 to 12 months.

In response, the Committee on Transportation and Infrastructure reintroduced legislation to implement a number of long-awaited reforms that will stave off bankruptcy and put the railroad back on track, ready to serve the many passengers who rely on its services. H.R. 2247 will eliminate the Fed-

eral Government's micromanagement of Amtrak and provide Amtrak with needed flexibility in managing its work force.

For example, H.R. 2247 will restructure Amtrak's management by removing the current board of directors and providing for the appointment of an emergency reform board which will recommend a plan to restructure Amtrak. The bill also creates a seven-member advisory council of business experts having no affiliation with the railroad industry, Amtrak, or the U.S. Government who will be charged with evaluating Amtrak's business plan, cost containment measures, productivity improvements, and accounting procedures. The council would then recommend to Congress how best to proceed toward partial or complete privatization of the railroad.

In addition, the bill gives Amtrak the option of contracting out work which will provide for desperately needed capital savings. Contracting out the work to repair and modernize Amtrak's facilities alone would save taxpayers an estimated \$262 million. The bill also makes some reasonable changes to onerous labor protection requirements that will allow Amtrak to streamline and reassign its work force in line with commonsense business practices.

Other reforms in the bill will provide options for private financing and encourage States to continue their financial support of Amtrak in cooperation with other States to ensure their citizens have continued access to valued intercity rail services. These and other reforms in H.R. 2247 promise to continue Amtrak's service for passengers in the short term and set the railroad on a course to financial solvency and self-sufficiency in the long run.

While these changes are dramatic by necessity, they are carefully designed in fairness to the American taxpayers and Amtrak's employees.

Mr. Speaker, time is of the essence. Our constituents who rely on intercity rail services and all American taxpayers are looking to Congress to address Amtrak's crisis in a reasonable, responsible, and timely manner. Therefore, I urge my colleagues to adopt this fair and balanced rule without delay so that the House can move on to debate the important issues surrounding Amtrak's future.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague, the gentlewoman from Ohio [Ms. PRYCE] for yielding me the customary half hour.

Mr. Speaker, Amtrak is one of the foundations of our national transportation system and it is a crucial part of our economic infrastructure. But this bill will hurt Amtrak. It will hurt Amtrak workers far more than it will help Amtrak. For that reason, I urge my colleagues to oppose this modified closed rule.

Mr. Speaker, millions of Americans rely on Amtrak. They take the train to

work. They take the train to meet their customers. They take the train to meet their clients. They take the train to college. They take the train to visit family and friends.

The people who work on the railroad do an excellent job of making sure that the trains run on time.

Mr. Speaker, rail travel is the transportation of the future. It is fast. It is convenient. It is energy-efficient, and it enables everyone to travel regardless of whether or not they can afford an automobile.

The Northeast corridor is the most traveled rail route in the country. This corridor stretches from Boston to Washington, DC, and carries over 100 million passengers a year. Without Amtrak, Mr. Speaker, our infrastructure would be much more overloaded than it already is. Our air would be more polluted, and most people would have a much more difficult time getting from one destination to another.

Mr. Speaker, we all recognize that Amtrak, despite the great improvements that have been made over the last few years, is still not working at its best. According to the General Accounting Office, Amtrak's equipment, Amtrak's facilities, its stations, its tracks, its rolling stock are all starved for capital investment. Without capital investment, services are less reliable, trains are less comfortable, and the American rail system falls further and further behind those of other developed countries.

Mr. Speaker, today's bill is designed to help solve these problems by making Amtrak more commercially viable. For example, today's bill forbids Federal micromanagement of Amtrak's routes and incorporates transport industry expertise from the private sector. It also triggers up to \$2.3 billion in tax credits for desperately needed capital expenditures.

But despite the great improvements this bill will make in our national rail system, I urge my colleagues to oppose the rule and oppose the bill.

This bill contains some very dangerous provisions which will hurt Amtrak, hurt Amtrak employees, and hurt Amtrak's passengers. It is unfair and it is antiworker.

This bill ends the statutory wage protection for displaced or downgraded workers which Amtrak employees have had since the 1930s. It also ends the remaining protections Amtrak employees have against the contracting out of their jobs to outside vendors.

Amtrak's labor protection costs are minimal. Over the last couple years, when Amtrak has laid off 4,000 workers, they have paid only \$100,000 on labor protection. And this is out of an entire budget of nearly \$1 billion a year.

My Republican colleagues will argue that these protections drive up costs and cripple attempts to make passenger rail commercially and financially viable.

Mr. Speaker, that is totally untrue. In fact, the cost of statutory protections is tiny compared to total operating subsidies and even tinier when compared to Amtrak's total cost. So removing these statutory protections will do very little to make Amtrak more efficient, but it will do a lot more to make workers' lives more difficult.

The lives of the people on Amtrak's management team do not seem to be suffering much. Amtrak has paid \$3.5 million in management buyout costs. I do not hear my Republican colleagues complaining about that.

Mr. Speaker, outside contracts do nothing to help keep the costs down either. Amtrak already has considerable leeway to make outside contracts, but its own workers are much more efficient. For example, Amtrak has not been able to find an outside vendor capable of delivering food and beverage services more economically than Amtrak workers already deliver those services at the present time.

Mr. Speaker, my Republican colleagues appear to be obsessed with the idea of contracting things out. But in this case they are really putting politics before the national interest. The facts show Amtrak employees just can do it better. If organized Amtrak workers can do the job better for less money, why on Earth would anybody try to stop them?

Mr. Speaker, Amtrak workers are not exactly living high on the hog. Over the last 16 years, Amtrak workers' standard of living has declined by over 33 percent. In most cases, their wages have not even kept abreast of inflation.

Mr. Speaker, I come from a railroad family. All of my uncles also worked for the railroad, so I have always respected and saw firsthand the hard work that these people do. Today it is no different. The 20,000 Americans who work so hard for Amtrak deserve some protection in this bill. Unfortunately, the way it stands now, they just will not get it.

Meanwhile, this bill's attacks on Amtrak employees workers just do not stop at cutting statutory wage protection and increasing outside contracts. Mr. Speaker, this bill completely ends the wage protection aspect of collective bargaining agreements, and it is not as if these agreements were forced on anyone. These agreements were freely agreed to by unions and management under the established law. To overturn them is completely unwarranted and, once again, smacks of unjustified attack on organized labor.

Finally, Mr. Speaker, this bill hurts Amtrak passengers by limiting the liability of freight railroads for causing accidents and by tying the calculation of damages to an arbitrary economic formula. It sets up an unfair double standard under which the liability of freight carriers is restricted, but under which Amtrak's liability is not restricted.

Mr. Speaker, despite the much-needed improvements this bill will make in

our national passenger rail system, the harm it will do, the harm it will cause Amtrak employees is far worse. I urge my colleagues to oppose this bill, oppose the rule.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. PETRI], a member of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I rise in support of House Resolution 270. This rule is a fair rule especially in light of the history of this legislation. In the 104th Congress, the House passed virtually the same bill that we have before us today. That legislation enjoyed the bipartisan support of 406 House Members and the full endorsement of organized labor. In fact, labor participated in drafting the labor reforms that it is opposing today. This rule allows for a Democratic substitute amendment and for one Republican amendment with a substitute. Members will have the opportunity to vote on these amendments. Amtrak reform legislation must be enacted. Anyone who has been paying attention to Amtrak knows that it is about to enter into bankruptcy.

The General Accounting Office has confirmed this as well as the Committee on Transportation and Infrastructure's bipartisan Blue Ribbon Panel on intercity rail.

Mr. Speaker, today's vote is about the future of intercity rail in the United States. If we want to continue to have rail service as a transportation option, then we must enact reform legislation dealing with Amtrak. There is no way Amtrak can survive without it. In addition, the reform legislation will free up \$2.3 billion that was provided in the Taxpayer Relief Act for badly needed capital investment in Amtrak.

Mr. Speaker, I urge a "yes" vote on this rule and on the legislation to follow.

□ 1500

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, I oppose this rule, and let us just get to the heart of one of the things we are going to hear, and that is the mantra, over and over, 406 to 4, 406 to 4. My colleagues, I voted for this bill last year. I spoke for it last year. So why would I be one of the 406 that is opposed to the rule and opposed to the bill? Because, my colleagues, this is not the same time, it is not the same conditions.

I guess I played a little bit, mainly from the bench, but I played high school football, and I learned that if a play is run and it does not go anywhere, then that play is not run again. And this is what is attempting to be done with this Amtrak bill. Yes, it

passed this House 406 to 4. Does anybody ever talk about what happened after that? There is deafening silence. And the reason is because there was deafening silence. Nothing happened. It went to the Senate, but it was not brought up for consideration, therefore, it never got to the President for his signature.

The fact of the matter is it passed here 406 to 4, and in terms of getting enacted, the score is zero. So that is what will happen again if we run the same play, and that is why there are a number of us who oppose this bill.

There is another reason, too, because a number of the representations that were made last year about the provisions in this bill, why they had to be in there, have since proven to be false in terms of the labor protection language. We were told that Amtrak had to have this because of high labor protection costs. It turns out that Amtrak has laid off almost 2,000 workers at an average cost of a little over \$1,000 a worker, less than most severance packages in any private sector bill.

We were told there had to be the indemnification provisions, which Amtrak has to sign indemnification contracts agreeing to bear the responsibility for the costs of any accident, even if the fault is that of the railroad over which Amtrak runs and leases. Well, we were told of course that Amtrak needed this in order to operate and to negotiate these leases. Since then Amtrak has negotiated the trackage rights over all these at no significant markup in cost. Once again, a nonissue.

There is another reason that I oppose this bill, and I will speak further on it. I oppose this rule because the Committee on Rules did not make in order my language to strike the limitations of liability. In this bill, if someone is injured they are entitled to no more than \$250,000 in noneconomic damages. Furthermore, they are entitled to no more than \$250,000 or three times their economic loss for punitive damages. They also require Amtrak, no matter what the situation, to pay the railroad that may have been at fault for the accident that resulted.

These are onerous provisions. They do not help Amtrak. They will hurt Amtrak in the long run. So I urge rejection of this rule for that reason. And remember, 406 to 4 and the bill never went anywhere. That is why it needs to be changed.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, sometimes I hesitate to stand up here and talk, especially when my blood pressure goes up, but I have been here for 20 years and I came out of the private sector, and in the private sector we never played politics. We did what was right for our business and we made it successful and we made our payrolls. Is

it not too bad that we cannot do the same thing in this body? Maybe this is why we are not held in high esteem by the American people.

With all the good intentions of my good friend, the gentleman from West Virginia, Mr. BOB WISE, and I highly respect him and admire him, let me just quote to my colleagues his statements when this same bill, the identical bill, passed the House with 406 affirmative votes. He said, there has been a good deal of hard work and many difficult compromises on various issues which now enables me to support this final product. I am satisfied that the bill is a reasonable compromise and that it is needed to keep Amtrak moving ahead. I was initially concerned that the Amtrak employees might not be treated equitably in the bill, however, after some changes were made to the bill, a reasonable compromise was reached.

Now my good friend just said sometimes times change. Let me tell my colleagues what the changes are. And Amtrak is terribly important to the Northeast and especially to the Hudson Valley corridor that I have the privilege of representing. Let me tell my colleagues what those time changes are. It means Amtrak is going bankrupt. Now, not only does that affect all of the people that commute back and forth in using Amtrak, but it affects the economy. And more than that, it affects the jobs of every single one of those Amtrak workers.

Now, I have gone back and I have talked to those workers, and they have told me not to let Amtrak go down the drain. Many of them have worked all of their lives there. That is what this is all about.

Now, how did we get to this point? I guess my friend from West Virginia does not remember several months ago when we were fighting the battle of the balanced budget, which is probably the most important thing that we can do in this Congress, is to get this deficit spending under control and stop this sea of red ink which is bankrupting all Americans, particularly those that have to live on fixed incomes; young people who have to buy homes and have to pay mortgage rates that are just astronomical caused by this deficit.

I will give an example. I hate to get off on another subject, but if there is a young couple that just got married and has one child, and now they are making an interest payment annually on their mortgage payment of \$6,000, that is not a lot, because it is a low mortgage that produces that, but \$2,000, one-third of that entire interest payment they make, is caused by the Federal deficit. We had to get the deficit under control and we did. We bit the bullet and we had bipartisan support in doing it.

But in doing so, then we had to fight to save Amtrak, and it meant come up with a couple of billion dollars extra. And, my colleagues, in order to do that

we had to have compromise. And, yes, we had to work with Senator ROTH in the other body, I guess I should not mention names over there, but the quid pro quo is that we would have some reform.

Now, I do not know about all of my colleagues, but I know for sure that the Amtrak workers in the Hudson Valley want us to save Amtrak. They want to save their jobs. This bill will do that. So why do we not just kind of stop the rhetoric? Why do we not just get down to brass tacks and agree that we have to do this and pass this bill?

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, to have the distinguished chairman of the Committee on Rules quote my words, print them up, I am honored, and I hope he will do the same thing with the many predictions that I made that turned out to be true on the Contract With America.

But also let me then quote these words today. Yes, a number of us voted for this bill because we were told certain things would happen. They did not happen. This bill went absolutely nowhere in the Senate because of the very provisions that are in the bill today: Labor protection, indemnification, limitation of liability, resulting in Amtrak coming to a quick halt.

If we are serious about wanting Amtrak to keep running, and I want it to run through West Virginia just as much as the gentleman does from New York. If we are serious about wanting it to keep running, we have to recognize the realities. We can pass this bill without a lot of burdensome baggage on it and we can get it then moving to the Senate and to the President, who, incidentally, has threatened to veto over some of the same provisions they insist on keeping in this bill. We do not have to go down this track again.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. MICA], a member of the Committee on Transportation and Infrastructure.

Mr. MICA. Mr. Speaker, I rise in support of this rule, this rule, in fact, that will keep Amtrak on track.

Mr. Speaker, let us examine the facts. Amtrak is about to enter bankruptcy, and this Nation could, in fact, risk losing its inner city passenger rail system. We have a bill before us that enjoyed the bipartisan support of 406 House Members in 1995.

This bill includes significant reform of Amtrak that will allow the corporation to do these things: To operate like a business, to cut costs, and achieve financial stability. In addition, the bill will allow the \$2.3 billion that was provided in the Taxpayer Relief Act that we passed to be spent by Amtrak on very badly needed capital improvements and investments.

Mr. Speaker, this rule should not be controversial at all. There is no veto

threat. This is a badly needed piece of legislation. It allows us to have a Democratic substitute as well as Republican amendments. And H.R. 2247, in fact, is the same bill that this Congress passed 2 years ago on this floor. We need to act decisively to get this rule passed so that Amtrak reform legislation can be enacted to save Amtrak from bankruptcy, and that is the fact.

Mr. Speaker, I would like to address the labor reform measures that are contained in this bill since they are now generating some controversy. These reforms are exactly the same labor reforms that were included in H.R. 1788, the Amtrak reform bill of the 104th Congress.

The reforms were actually endorsed by labor then. In fact, they were even drafted with labor's full participation in the process. These compromise reforms were the product of significant battles in our committee. And since the original committee proposals included even stronger proposals for labor reform, I think the case can be made that stronger labor reforms are appropriate for a company that is indeed facing bankruptcy.

Through the efforts of the gentleman from New York [Mr. QUINN], working in conjunction with organized labor, the committee produced legislation that enjoyed the support of the minority and also of organized labor. In fact, the bill was reported out of committee on a unanimous voice vote. Now labor is claiming the reforms are, in fact, unfair and this is what they have indeed supported in the past.

I tell my colleagues what I think is unfair. The status quo to which labor is attached is unfair, and it is unacceptable. It is unacceptable to this Congress and it is unacceptable to the American taxpayers who foot the bill for a system that is near bankruptcy.

Under current law, Amtrak must pay a worker who is laid off due to a route elimination or frequency reduction up to 6 full years of full wages and benefits. Currently, over 75 percent of Amtrak employees are eligible for the full 6 years of benefits based on their length of service. This is what labor is, in fact, trying to preserve. They have a sweetheart deal that Congress handed to them a number of years ago on a silver platter when Amtrak was created and they do not want to give that up. Those are the facts.

The same dynamic principle applies to the ban on contracting out. Right now Amtrak cannot contract out any work, other than food and beverage services, if it would result in the layoff of a single employee in a bargaining unit. This effectively prohibits almost all contracting out, in fact, of work by Amtrak.

How is Amtrak supposed to rationalize the system and save money? This is a company about to, in fact, go bankrupt; to go belly up. But if it wants to downsize its employment base, if it has to pay everybody wages and benefits for 6 years, I ask how is that possible?

Congress does not require the airlines to pay their employees for 6 years in the event of a layoff; why should we make Amtrak do that? And Amtrak cannot even achieve any savings through contracting out work as its competitors in the airline industry have been able to do.

Mr. Speaker, this rule is indeed fair. Amtrak reform legislation is crucial to the future of passenger rail in this country. Let us pass the rule and let us move on to general debate on this important bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts, [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today in opposition to the Amtrak reform bill because in its current form the bill betrays Amtrak's employees' rights, it compromises the safety of Amtrak's passengers, and it would deny just compensation for victims of passenger rail accidents.

This bill would be better known as the Simon Legree Act of 1998. It essentially proposes to balance the books of Amtrak on stripping away the income of the workers that lay our rails, that essentially make our rails safe and secure, and it would impose an undue burden on those victims of any rail accidents that would no longer be able to look to their legal rights.

□ 1515

The fact of the matter is that our legal system in this country plays an important role in making certain that victims are provided the assurance that they will receive benefits if in fact they are hurt or injured in the course of normal day-to-day operations. This is a basic security which has always been the balance of justice in America. It is a system that has worked well for over 200 years. Why should we cut out Amtrak from that balance that we achieve in every other aspect of American life?

Under the guise of financial interests for the insolvent Amtrak system, this bill dresses up a bunch of unfair labor provisions and calls them reforms. In direct violation of their collective bargaining agreements, this bill would eliminate wage protections for displaced Amtrak workers, protections that have been in place for employees for over 70 years. The truth of the matter is Amtrak employees have not gotten anything close to the kind of cost of living benefits that are necessary in order to keep up with the rising costs that almost all the American people have been able to enjoy.

What we have here is a system that is being put in place and imposed on the poor workers of that system that will, I believe, unduly shift the balance of fairness and justice onto the backs of the people that use the Amtrak system, the people that build the Amtrak system and those few individuals that may be hurt by a rail accident.

To further undermine the unions, this bill would also make contracting

out Amtrak jobs a routine procedure by ending current protections against such practices. I strongly urge and support the LaTourette-Traficant amendment, which will retain statutory wage protections, collective bargaining, and the rights of Amtrak workers to keep their jobs without the fear of losing them to cheaper, less skilled labor.

I also encourage and support the efforts to repeal the bill's caps on punitive and non-economic damages. These provisions would deny just compensation to victims of passenger rail accidents and should be removed.

Mr. Speaker, Amtrak service is important to the Northeast corridor, the heavily traveled route between Boston and Washington, where almost 600,000 people use the trains each day. Amtrak service gives my constituents an alternative to fighting traffic jams, it contributes to reducing air pollution from auto exhaust and it keeps 27,000 cars off our highways each and every day in this country.

It is no secret that a pending Amtrak strike is being held at bay with the hopes of the passage of this bill. We must do all we can to avert a strike that would be devastating for the commuters in many of our districts. I believe that we can pass the underlying bill by a wide margin if we strip out these anti-labor provisions and limits on liability.

Therefore, I urge my colleagues to support the LaTourette-Traficant amendment and the Democratic substitute and send a real reform bill, one free of poison pills, to the President's desk.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Committee on Transportation and Infrastructure, a gentleman who is an expert on this matter.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind words.

Mr. Speaker, I do not have a bill-board as the distinguished chairman of the Committee on Rules had on who said what, but I do have the transcript of the debate in 1992, August 11, the last time that an Amtrak authorization bill passed the House to be enacted by the President. It is remarkable to note in that debate that not a single question was raised by either Democrat or Republican about labor issues. Not a single question. It passed on a voice vote in the House. It passed overwhelmingly on suspension later on when the conference report came back. Not a single question was raised about labor rights at a time when there are the same issues as there are today.

So if we want to talk about consistency, one might be reminded by Samuel Pepys, the British poet and writer who said, "Consistency is the hobgoblin of small minds." Because there is not consistency. There is a significant change in what has happened with Amtrak and with the issues underlying

the effective operation of Amtrak. But that is not what I want to discuss at this time. There will be time, plenty of time in the general debate and on the amendments later.

What I rise for here is objection to the rule that was crafted. It is not a fair rule. Democrats were not given an opportunity to offer pinpointed, specific amendments. Instead, what was done was to carefully, thoughtfully, and cleverly make in order the LaTourette amendment to rectify the passenger rail labor rights which the gentleman from Ohio [Mr. LATOURETTE] requested and which we supported on the Democratic side, and then to make as a substitute to LaTourette an amendment by the gentleman from New York [Mr. QUINN], which vitiates LaTourette, reinstates essentially the committee bill, but corrects a little problem that was opened by obiter dictum language in the committee report to suggest that the Surface Transportation Board might extend these provisions of eliminating labor protection for freight rail and transit labor.

So now we have the Quinn amendment that goes just so far, but not quite far enough, and the body never gets to vote on the underlying real issue of rail labor, the LaTourette amendment.

And then the rule makes in order something we did not even ask for, a substitute on our side. Our committee has historically come to the Committee on Rules and asked for open rules. The chairman has always praised the leadership on both sides for doing so, both during the times when he was ranking member in the minority and now in his service as chairman. He has essentially remained faithful to that premise. But not in this case, and that is why I object to this rule. It is unfair. It sets up a process by which labor must fail or Democrats are going to be substantially divided on a range of issues and Members on the Republican side who might ordinarily be favorable to labor issues but divided on consumer questions are necessarily going to be divided.

It is a fundamentally unfair rule. You did not lay the issues out and give an opportunity for each question to be debated and voted on its own merits. That is why I object to the rule.

I think, in all fairness, that the gambit has failed, because labor is not taking the bait and the consumer groups are not taking the bait, and I think that in the end we are going to prevail because of the unfairness with which the issue has been handled in the present rule.

I urge my colleagues to vote against the rule. It is an unfair rule. We should not have that kind of mischief visited in the legislative process. We ought to be able to vote on issues on their merits without these little games being played.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to

the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me address my good friend the gentleman from Minnesota [Mr. OBERSTAR], because he is a good friend. He is a highly respected Member of this body. I admired him even when I was a member of the committee many, many, many years ago. I really am surprised at his protestations here this afternoon, because when he testified before the Committee on Rules we discussed at length the kind of rule that we would make in order in trying to be fair to everybody. We all know that there are few precious days left before this Congress will adjourn. If we are fortunate enough to adjourn by November 7 or even the 14th, we will only be able to accomplish about one-third of all that is planned between now and then as far as passing the important legislation on this floor.

But let us get to the rule itself. The gentleman from Minnesota knows that the gentleman from Ohio [Mr. LATOURETTE] was allowed to offer an amendment, which he supports. It is strongly supported by labor. We also made in order a substitute amendment to the LaTourette amendment. It was characterized, I think, by the gentleman from Minnesota as the LaTourette amendment being a whole loaf and the Quinn amendment being a half a loaf. Both of them are supported by labor. Both of them are pro-labor, I guess you could characterize them that way. So that when Members come to the floor later on today, they can either vote in favor of the LaTourette amendment, the whole loaf, or they can vote against it by voting for the Quinn amendment. It is as simple as that. This is the normal procedure that we follow in this House.

We also discussed at length a number of other amendments that were offered from Republicans and Democrats. We told the gentleman from Minnesota that he, being the ranking member, was entitled, with fairness, to offer a substitute in which he could put any amendment that he wanted to, the Wise amendment which was a very important amendment, in his opinion, the Vento amendment or I believe there was a Jackson-Lee amendment, but any of those or any part of those could have been included in a Democrat substitute and as I understand it, we gave them something we very rarely do and something the Democrats never did in my 20 years here, and that was to give the minority the right to offer a substitute, sight unseen, providing it is germane to the bill. We did that in an act of being as fair and open as we possibly could.

So I think the gentleman protests too much. I think we really have been open and fair, much more fair than the Democrats ever were to us on this side of the aisle.

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

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding. At the hearing of the Committee on Rules yesterday evening, I specifically said my recommendation is make in order the LaTourette amendment, make in order the Quinn amendment, they deal with different aspects of the labor issue, and I specifically also said, "But do not play a little game with us by making the Quinn amendment in order as a substitute for the LaTourette." I said that, I was very, very clear about that because it was a very important point for me. I did not ask for an amendment on our side. I asked for other amendments to be made in order. I did not ask for a substitute. The Committee on Rules crafted a rule that plays both ends against the middle. I do not believe that the gentleman from New York [Mr. QUINN] asked for his to be a substitute.

Mr. SOLOMON. If I could just reclaim my time briefly to say, the question was posed that the Democrat side of the aisle did not have all of the information available and we were requested to leave it open so that you could present a sight unseen substitute. We did exactly as we were asked.

Having said that, please come over and vote for this fair rule and vote for this very vital piece of legislation.

Mr. MOAKLEY. Mr. Speaker, just to correct my dear friend, my chairman, it was not our side that asked to keep it open. It was the gentleman from Virginia [Mr. SCOTT], who was testifying before the panel on a different bill. Secondly, if the chairman looks at the records, when I was chair, we did give unseen amendments to the minority leader on many occasions. You can look in the records.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I will yield to the gentleman, but I just want to start out here and say something that I think is important. I am going to vote for the rule. I appreciate the fact you allowed the LaTourette amendment. It would probably be called Traficant-LaTourette if it were not for the politics here. Both sides are playing politics.

I am concerned about workers. There is not a more wily strategist in the House than the gentleman from Pennsylvania [Mr. SHUSTER] and really the gentleman from New York [Mr. SOLOMON] has been very fair. There is an opportunity for working people, and just let me say this before we go on. The Quinn amendment says freight and transit workers will not be impacted by this bill.

□ 1530

The LaTourette-Traficant amendment says that, too.

Now, let us tell it the way it is. Labor came out and tried to beat Republicans, but there are a whole lot of

working people that did not agree with some of those endorsements and voted for you, too.

I think the collective bargaining agreement should be allowed to be intact. There has been an awful lot of contracting out by Amtrak that has not even been contested by the workers. It was agreed.

I believe, and I say this straight-forward, the Republican Party has an opportunity to say, "Look, you in labor tried to screw us, but we are more concerned about the rights of all people." And I honest-to-God believe there is a shot to pass LaTourette-Traficant.

I agree with the gentleman from Minnesota [Mr. OBERSTAR] that if that Quinn amendment passes, and the way the bill has been structured I guess it has been set up by the craftiest Member in the House, maybe in its history, the gentleman from Pennsylvania [Mr. SHUSTER], and I don't blame him, but there has not been a better man, and he is a pit man, he is a pit man, I might say, and he knows those steel workers, those coal workers, those workers at Amtrak and related labor people.

I am just saying, look for fairness. I am going to vote for the rule, and I want Members to consider what I say in other substantive points during the debate on this bill. I am proud to join with the gentleman from Ohio, STEVE LATOURETTE, my neighbor. He has done an outstanding job. He, like many Republicans, contrary to what the press might say, has been a friend of labor and working people.

So, the Republicans have an opportunity to demonstrate, I honest-to-God believe this, and the fact is that most of the many working people voted for them or you would not be here in the majority. Believe me when I tell you that. Look for the fairness of the bill.

I wish you had structured the rule a little different, Mr. Chairman, but I want to thank you for allowing the vote on it in the first place.

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

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

Mr. OBERSTAR. I just want to make it very clear that labor opposes the Quinn amendment, because passage of Quinn forecloses an opportunity to vote "aye" on LaTourette-Traficant.

Mr. TRAFICANT. Mr. Speaker, reclaiming my time, I know that. We want to defeat the Quinn amendment, but we have an opportunity to do it, and we have an opportunity to debate it before the Quinn amendment is offered. I am hoping that people understand the substance of that, and not get tied up in the politics.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am certainly not here to dispute the need for this legislation. In fact, I am a strong Texas advocate for Amtrak. In fact, we are certainly working to maintain our sources of intercity transit in our State, and I am a strong advocate of that.

Certainly, I am concerned about pieces of this legislation that deal with removing employee and various other rights as relates to working conditions, and I hope we address that.

But I am also here to speak on behalf of an amendment that I attempted to offer and that I think is extremely important, and that is H.R. 2247 removes or caps the noneconomic damages at \$250,000 in this legislation, regardless of the nature of an individual's injury. It caps punitive damages at \$250,000, or three times economic damages, whichever is greater.

We have had this debate when we talked about tort reform. That clearly weighs on the side of the more economically endowed, the CEO versus the little girl who lost her leg. Each leg is of similar value, because they do not have a leg, but the CEO gets more than the little girl with no job.

Regardless of the cause of that injury, it allows Amtrak to indemnify other railroads for even gross negligence and recklessness. I offered an amendment to correct that, as I said, and that was not included.

Let me address the issue of a cap on noneconomic damages. A cap on noneconomic damages is unfair to passengers injured by Amtrak's negligence because it arbitrarily places a value on the injured person's loss.

This value may be completely unrelated to the type of injury suffered, and may fail to fully compensate that individual's loss. This value may be completely unrelated, as I said, to the type of injury suffered, and may fail to fully compensate the injured passenger for his or her loss.

H.R. 2347 as written says the loss of a leg is worth \$250,000, at most. The loss of both legs is worth \$250,000, at most, and the loss of both legs plus an arm is again worth, at most, is worth \$250,000.

As I said earlier, this cap discriminates against women, children, the elderly and the poor who may not have the same substantial economic losses, by placing greater value on economic losses than on noneconomic losses. Effectively what this does is it says that injuries such as the losses of senses or one's limbs, the loss of a child or a spouse, the loss of one's fertility or ability to care for one's family or gross disfigurement are not real losses and need not be compensated.

We really need to correct this. I do believe that this legislation is important legislation, but limiting these damages, as well as punitive damages, which are in fact the basis upon which industry reforms itself, is distracting from this very good legislation.

I would hope that we would be able to cure this by relieving us of these caps to be fair to all citizens.

Mr. Speaker, I rise today in opposition to the rule on H.R. 2247, the Amtrak reauthorization bill.

H.R. 2247 is an important piece of legislation which authorizes \$3.4 billion in continued Federal support for Amtrak through fiscal year 2000. H.R. 2247 also facilitates the privatization of Amtrak by decreasing its costs and increasing its revenues, in order to eventually eliminate its reliance on Federal subsidies. I am not here to dispute the need for such legislation, but instead to address concerns raised by some of the more controversial provisions of the bill, specifically those dealing with liability issues.

H.R. 2247 caps noneconomic damages at \$250,000 regardless of the nature of an individual's injury, caps punitive damages at \$250,000 or three times economic damages, whichever is greater, regardless of the cause of that injury, and allows Amtrak to indemnify other railroads for even gross negligence and recklessness.

I offered an amendment before the Rules Committee last night which would have struck these unfair and arbitrary provisions from the bill. However, neither my amendment, nor any other amendment with the same or a similar purpose, was made in order under the rule.

Let us first address the issue of the cap on noneconomic damages that is included in H.R. 2247. A cap on noneconomic damages is unfair to passengers injured by Amtrak's negligence because it arbitrarily places a value on the injured person's loss. This value may be completely unrelated to the type of injury suffered and may fail to fully compensate the injured passenger for his or her loss. For example, H.R. 2247 as written, says that the loss of a leg is worth \$250,000 at most, the loss of both legs is worth \$250,000 at most, and the loss of both legs plus an arm is again worth at most \$250,000.

A cap on noneconomic damages discriminates against women, children, the elderly, and the poor who may not have substantial economic losses by placing greater value on economic losses than on noneconomic losses. H.R. 2247 effectively says that injuries—such as the loss of one's senses or one's limbs, the loss of a child or a spouse, the loss of one's fertility or ability to care for one's family or gross disfigurement—are not real losses and need not be compensated as completely as the loss of salary.

Consider the case of an accident in which two individuals—a business executive earning \$1 million a year and a mother who stays at home to care for her children—sustain the exact same injury. The executive might be able to recover \$1.25 million—\$1 million for a year of lost salary and up to \$250,000 in noneconomic damages. The mother, who does not earn real wages or a salary for her job, would be limited to a maximum of \$250,000 for her loss.

By limiting compensation for noneconomic damages, women, children, senior citizens, and others whose injuries cannot be measured in lost wages will become second-class citizens when it comes to claims for rail accidents.

A second area of concern in H.R. 2247 is the provision capping punitive damages at \$250,000, or three times economic damages,

whichever is greater. A cap on punitive damages threatens public safety. While punitive damages are rarely awarded, they remain an important tool in forcing reckless or malicious defendants to change their conduct and in deterring others from recklessly disregarding public safety. Punitive damages ensure that safety devices are installed and properly maintained, that speed limits are followed, and that employees are trained to follow safety procedures. Given the current cost-cutting climate at Amtrak, the safety incentives offered by the threat of punitive damages are needed now more than ever.

It is not necessary to look for in order to find cases in which a cap on punitive damages would have been inappropriate. The 1987 accident in Chevy Chase, MD that resulted in 16 passenger deaths and 175 passenger injuries, was completely preventable. The engineer and brakeman of a Conrail train, high on marijuana and alcohol, drove the train 62-miles-per-hour in a 20-miles-per-hour zone blasting through stop signs before slamming head first into an Amtrak train filled with passengers. More recently, the National Transportation Safety Board stated that last year's Silver Spring accident between a MARC commuter train and Amtrak that resulted in 11 deaths was preventable had Federal regulators and safety officials been more aggressive in enforcing safety requirements.

Finally, I would like to direct your attention to the troubling indemnification provisions in H.R. 2247. These provisions are clearly contrary to public policy. Even though indemnification agreements between Amtrak and rail owners are common, several courts, including the court in the Chevy Chase, MD case, have refused to uphold these private agreements where the freight railroads are themselves responsible for the crash and engaged in particularly egregious conduct. The courts found it against public policy and contrary to the interests of public safety to uphold an agreement that would completely immunize freight railroads for truly outrageous conduct that caused death and serious injury. The courts have recognized that legalizing private agreements that force Amtrak to pay for a freight railroad's liability—regardless of how grossly reckless or negligent the freight railroad is—will lessen the pressure on freight railroads to ensure that their tracks are as safe as possible for passenger trains, and in so doing, will lead to further accidents.

There is no reason freight railroads should be exempt from the consequences of their actions, just because an Amtrak train is involved in the accident. As written, the bill establishes an irrational double standard. Under it, a motorist who is hit by a freight train because the freight railroad's grade-crossing signal malfunctions would be entitled to full damages from the freight railroad, including punitive and noneconomic damages. If the motorist was hit by an Amtrak train, however, because of the same malfunctioning signal, the motorist could collect only limited punitive damages and noneconomic damages from Amtrak, and no damages could be collected from the freight railroad—even though the freight railroad was equally at fault in both cases.

We must consider that the indemnification provision in H.R. 2247 does not just pose a threat to public safety, but is also potentially

quite costly. At a time when the financial viability of Amtrak is at stake, why should taxpayers pay for the gross negligence or recklessness of another rail carrier?

My colleagues, I ask you to consider the impact of the liability restrictions in H.R. 2247 on the safety of rail passengers as you cast your vote on the rule to H.R. 2247. I urge you to consider these provisions and then to vote against the rule that does not allow an amendment to address these alarming provisions.

Mr. MOAKLEY. Mr. Speaker I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he might consume to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I want to save Amtrak. That is what we have been dedicated to. Now, I can tell you, as I am sure many of you know, there are some in this body that do not want to save Amtrak. In fact, I was in a meeting this morning with several Members where we had a hard sell because they were telling us why are you trying to save it? It is about to go into bankruptcy. It is a failure. Let it go down the tubes.

But we need Amtrak, but we need an efficient Amtrak. And it is the sad truth. In fact, virtually everybody agrees, it is on a steep path to bankruptcy. The GAO report says that, the panel of experts that Congressman OBERSTAR and I together appointed in order to come back and give us their recommendations said that. Everybody acknowledges it is on a steep path to bankruptcy.

We need to reform it, but we also need the votes to reform it. And it is a fact that virtually the same legislation before us today passed this body in the last Congress 406 to 4. It is almost a bit embarrassing to tell you that every Member who stood up today, who spoke against this rule and this bill, is on record as having voted for this very legislation in the last Congress.

Now, what changed? What changed is our friends in rail labor apparently think they can get a better deal, and so they have said they now oppose this.

I would have to say, while I have the greatest respect for my colleagues, this is the biggest flip-flop since Humpty Dumpty fell off the wall. To have 406 Members vote for this bill, every Member who spoke against it today, to now stand up and speak against it, when he, in fact, voted for the bill.

We need to save Amtrak. There is \$2.3 billion already set aside for Amtrak if this reform legislation passes. That is extraordinary. It puts us on the way to saving a needed transportation mode in our country.

Some of my friends have talked about how labor will be hurt, how labor will be hard done by.

I represent Altoona, PA, one of the big railroad centers of America. I am perhaps one of the few Members of the Congress who actually worked on the

track gang on the railroad. We heard it said earlier about how the track gang workers, the maintenance of way, they are now called, would be hurt by this.

Let me tell you, the average maintenance of way worker on Amtrak makes \$41,000 a year. I don't begrudge that to them. As a former gandy dancer, and that is what they called us back in those days. As a former track gang worker myself, I am delighted to see that the fellows that I used to work with in a previous time, today are making that kind of money. There is nothing here which will reduce those salaries, those incomes.

But if we do not pass this legislation, if we do not pass this reform, there is not going to be an Amtrak. We need to save these jobs.

We are told about the Senate not moving, that is a fact, the other body not moving last year. That is a fact. We did our job. We passed the reform. They did not move.

However, it is very significant to note that this year, in reconciliation, we sat down and cut a deal with the Senate which was that \$2.3 billion would be made available to Amtrak, coupled with the reform legislation, and the Senators in conference were willing to go along with that. We had an agreement with the Senate to pass virtually this reform language, and unlock the \$2.3 billion for Amtrak.

Well, we could not get agreement downtown, so in reconciliation, we had to drop it.

We are back here trying to do the responsible thing, and that is save Amtrak, and trying to do it in a fashion that will unlock the money, and trying to do it in a way that really this body previously overwhelmingly approved. My good friends have talked about not being a fair rule, and my good friend from Ohio talked in terms of "my rule." I wish it were true, but, of course, it wasn't my rule. The Committee on Rules writes rules; I did not craft it.

In fact, initially it was suggested to me that it should be a closed rule, and the minority would have their opportunity to offer a motion to recommit. I objected to that. I said, no, I believe the minority should have an opportunity to offer their substitute, and the Committee on Rules has, indeed, provided that the minority does have the right to offer their substitute.

I generally like our committee to bring open rules, but when you have a piece of legislation that passed by a vote of 406 to 4, and we are coming down to the closing days of this session, it does not seem unreasonable to say if we bring back that which already passed 406 to 4, do we really need to have an open rule?

Let us give the minority their rights. Let us give them the opportunity to offer their substitute. We offer our bill. And that is why it is in front of us as it is today.

So I urge you, if you care about saving Amtrak, if you care about

unlocking the \$2.3 billion that can be there for the capital improvements that are so necessary, I urge Members to support this rule, to support us in our efforts to save Amtrak, because this Member, at least, and I believe I speak for many, does not want to see Amtrak go into bankruptcy.

Ms. PRYCE of Ohio. Mr. Speaker, the debate provided for under this rule should be more than sufficient to address any new concerns that have arisen since the House last considered this measure and passed it overwhelmingly by a vote of 406 to 4. Therefore, I urge my colleagues to support this fair and generous rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 7, as follows:

[Roll No. 520]

YEAS—226

Aderholt	Davis (VA)	Hobson
Archer	Deal	Hoekstra
Armey	DeLay	Horn
Bachus	Diaz-Balart	Horstetter
Baker	Dickey	Houghton
Ballenger	Dooley	Hulshof
Barr	Doolittle	Hunter
Barrett (NE)	Dreier	Hutchinson
Bartlett	Duncan	Hyde
Barton	Dunn	Inglis
Bass	Ehlers	Istook
Bateman	Ehrlich	Jenkins
Bereuter	Emerson	Johnson (CT)
Bilbray	English	Johnson, Sam
Bilirakis	Ensign	Jones
Bliley	Everett	Kasich
Blunt	Ewing	Kelly
Boehlert	Fawell	Kim
Boehner	Foley	King (NY)
Bonilla	Forbes	Kingston
Bono	Fowler	Klug
Brady	Fox	Knollenberg
Bryant	Franks (NJ)	Kolbe
Bunning	Frelinghuysen	LaHood
Burr	Galleghy	Largent
Burton	Ganske	Latham
Buyer	Gekas	LaTourette
Callahan	Gibbons	Lazio
Calvert	Gilchrest	Leach
Camp	Gillmor	Lewis (CA)
Campbell	Gilman	Lewis (KY)
Canady	Goode	Linder
Cannon	Goodlatte	Livingston
Cardin	Goodling	LoBiondo
Castle	Goss	Lucas
Chabot	Graham	Manzullo
Chenoweth	Granger	McCollum
Christensen	Greenwood	McCrery
Coble	Gutknecht	McDade
Coburn	Hall (TX)	McBurn
Collins	Hansen	McInnis
Combest	Hastert	McKeon
Cook	Hastings (WA)	Metcalf
Cooksey	Hayworth	Mica
Cox	Herger	Miller (FL)
Crane	Hill	Moran (KS)
Crapo	Hilleary	Morella

Myrick	Rogan	Spence
Nethercutt	Rogers	Stearns
Neumann	Rohrabacher	Stenholm
Ney	Ros-Lehtinen	Stump
Northup	Roukema	Sununu
Norwood	Royce	Talent
Nussle	Ryun	Tauzin
Oxley	Salmon	Taylor (NC)
Packard	Sanford	Thomas
Pappas	Saxton	Thornberry
Parker	Scarborough	Thune
Paul	Schaefer, Dan	Tiahrt
Paxon	Schaffer, Bob	Traficant
Pease	Sensenbrenner	Upton
Peterson (PA)	Sessions	Walsh
Petri	Shadegg	Wamp
Pickering	Shaw	Watkins
Pitts	Shays	Watts (OK)
Pombo	Shimkus	Weldon (FL)
Porter	Shuster	Weldon (PA)
Portman	Skeen	Weller
Pryce (OH)	Smith (MI)	White
Quinn	Smith (NJ)	Whitfield
Radanovich	Smith (OR)	Wicker
Ramstad	Smith (TX)	Wolf
Redmond	Smith, Linda	Young (AK)
Regula	Snowbarger	Young (FL)
Riggs	Solomon	
Riley	Souder	

NAYS—200

Abercrombie	Green	Neal
Ackerman	Gutierrez	Oberstar
Allen	Hall (OH)	Obey
Andrews	Hamilton	Olver
Baesler	Harman	Ortiz
Baldacci	Hastings (FL)	Owens
Barcia	Hefley	Pallone
Barrett (WI)	Hefner	Pascrell
Becerra	Hilliard	Pastor
Bentsen	Hinchey	Payne
Berman	Hinojosa	Pelosi
Berry	Holden	Peterson (MN)
Bishop	Hoolley	Pickett
Blagojevich	Hoyer	Pomeroy
Blumenauer	Jackson (IL)	Poshard
Bonior	Jackson-Lee	Price (NC)
Borski	(TX)	Rahall
Boswell	Jefferson	Rangel
Boucher	John	Reyes
Boyd	Johnson (WI)	Rivers
Brown (CA)	Johnson, E. B.	Rodriguez
Brown (FL)	Kanjorski	Roemer
Brown (OH)	Kaptur	Rothman
Capps	Kennedy (MA)	Roybal-Allard
Carson	Kennedy (RI)	Rush
Clay	Kennelly	Sabo
Clayton	Kildee	Sanchez
Clement	Kilpatrick	Sanders
Clyburn	Kind (WI)	Sandlin
Condit	Kleczka	Sawyer
Conyers	Klink	Schumer
Costello	Kucinich	Scott
Coyne	LaFalce	Serrano
Cramer	Lampson	Sherman
Cummings	Levin	Sisisky
Cunningham	Lewis (GA)	Skaggs
Danner	Lipinski	Skelton
Davis (FL)	Lofgren	Slaughter
Davis (IL)	Lowey	Smith, Adam
DeFazio	Luther	Snyder
DeGette	Maloney (CT)	Spratt
Delahunt	Maloney (NY)	Stabenow
DeLauro	Manton	Stark
Dellums	Markey	Stokes
Deutsch	Martinez	Stupak
Dicks	Mascara	Tanner
Dingell	Matsui	Tauscher
Dixon	McCarthy (MO)	Taylor (MS)
Doggett	McCarthy (NY)	Thompson
Doyle	McDermott	Thurman
Edwards	McGovern	Tierney
Engel	McHale	Torres
Eshoo	McIntyre	Towns
Etheridge	McKinney	Turner
Evans	McNulty	Velazquez
Farr	Meehan	Vento
Fattah	Meek	Viscosky
Fazio	Menendez	Waters
Filner	Millender-	Watt (NC)
Flake	McDonald	Waxman
Foglietta	Miller (CA)	Wexler
Ford	Minge	Weygand
Frank (MA)	Mink	Wise
Frost	Moakley	Woolsey
Furse	Mollohan	Wynn
Gejdenson	Moran (VA)	Yates
Gephardt	Murtha	
Gordon	Nadler	

NOT VOTING—7

Chambliss	Lantos	Strickland
Cubin	McIntosh	
Gonzalez	Schiff	

□ 1604

Mr. MORAN of Virginia, Mr. JEFFERSON and Mrs. MINK of Hawaii changed their vote from "yea" to "nay."

Mr. BRYANT and Mr. SMITH of Texas changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 270 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2247.

□ 1605

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2247), to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania, [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Chairman, we are here today to seize what is probably the last chance to save Amtrak without a bankruptcy. I am dedicated to trying to save Amtrak, but it is no secret that are several Members in this body, and in the other body, who would just as soon kill Amtrak.

So what we have tried to do is put together a compromise which we can get through to reform Amtrak, which will unleash the \$2.3 billion that has already been set aside for Amtrak if we are able to get reform through.

Mr. Chairman, much of this debate took place during the rule, and so there is no need for me to restate what has been stated many times already with regard to the debate that took place concerning the rule. The bottom line is if we do not reform Amtrak, if we do not pass legislation to reform Amtrak, Amtrak goes into bankruptcy, there will be no Amtrak. It is that simple.

In the last Congress virtually the same legislation passed this body 406 to 4, as has been emphasized in the previous debate, and that needs to be re-emphasized here. This is our last, best hope of saving Amtrak and saving the jobs of the many good people who work

at Amtrak; also for saving Amtrak and saving the very positive implication that the saving of Amtrak will have on the whole railroad retirement system.

So for all of those reasons, I would urge support for this legislation.

Mr. Chairman, we are here today to seize what is probably the last chance to save Amtrak without a bankruptcy. No informed observer denies that the company is at best only a few months away from the bankruptcy court. That includes Amtrak itself, the General Accounting Office, and the expert bipartisan panel that our committee formed to examine Amtrak's condition.

This is no longer a postponable problem: Amtrak has only a few months to live if it is kept in the straitjacket of Federal laws that prevent it from operating on a rational, business-like basis. This bill removes that straitjacket, and frees Amtrak from the statutory micromanagement that has brought it to the brink of financial collapse.

These structural changes were drafted on a bipartisan basis with the participation and agreement of the minority and of rail labor in the 104th Congress. They include: Establishing a new reform board of directors; giving Amtrak a fresh start in its capital and stock structure; removing the numerous Federal mandates that preclude rationalizing its route system; and organizing itself for business efficiency. Up to now, the company has never been permitted to do any of these things—unlike other transportation companies.

This bill should be very familiar to most Members, because you voted for it by a roll-call of 406 to 4 less than 2 years ago. There are only technical changes in this bill to reflect the passage of time, plus one substantive change. We have authorized the reform Board of directors—if it chooses—to recommend a plan to Congress to implement one of the key ideas of our expert panel—the separation of Amtrak into two distinct corporations, one for infrastructure, and one for operations. Of course, even if the board made such a recommendation, it would take future congressional action to implement such a plan.

Among the restrictions this bill removes are the current statutory requirements for up to 6 years of labor protection—that is, full salary and benefits, to any employee adversely affected by a discontinuance of service a reduction of service below three trains weekly, or even a 30-mile relocation. But remember, this bill was a bipartisan compromise: It does not forbid Amtrak from providing protections for its employees—if merely places these issues in collective bargaining, without having the Federal Government dictate what the protections will be by statute.

The bill also addresses the continuing problem of unlimited tort liability exposure. Almost everywhere except the Northeast corridor that Amtrak owns, it must operate over the tracks belonging to private-sector freight railroads. Amtrak, by Federal law, has access to those tracks, whether the freight carrier likes it or not. Therefore, the liability exposure that is placed on the freight railroads is involuntary in nature. All this bill does is to place reasonable limits on the punitive and non-economic damage exposure in passenger train accidents. It has no effect on the freight railroads' own freight-carrying operations. If we do not make these sensible reforms, however, Amtrak may be facing prohibitively expensive access requirements, because Amtrak still has to pay

the freight railroads, even under compulsory access arrangements.

There are those, Mr. Speaker, who say that the only way Amtrak will ever be fixed is by going bankrupt first. I do not share this view, because a shutdown would be a great blow to our transportation system, to our commuter rail operations, and even to the Railroad Retirement System.

But let's look at an Amtrak bankruptcy, because there are too many constituencies here who are still in denial about Amtrak and its finances. If Amtrak goes under, the GAO estimates that labor protection payments alone would total up to \$5 billion. Amtrak's commercial debt—not to the Federal Government—is about \$1 billion. So that's \$6 billion in liabilities, with virtually no possibility of paying those claims out of Amtrak's assets. And just this week, the Comptroller General issued a legal opinion in response to an inquiry from Chairman KASICH and myself. He ruled that none of Amtrak's liabilities—labor protection or commercial debt—constitute claims against the U.S. Treasury.

What does this mean? It means that if Amtrak's labor force and management do not cooperate and help turn this company around there will be no golden parachute of 6 years of labor protection. The golden parachute has already collapsed, and if they help drive Amtrak into bankruptcy, Amtrak's employees are simply going to be standing in line with a lot of other unsatisfied creditors who collect little or nothing.

I hope, Mr. Speaker, that these rather stark realities will spur Members to realize that this is the last train out of the station. If this bill is not enacted, Amtrak stands virtually no chance of survival for more than a few months at best.

What about some good news? Well, if we do approve this reform legislation and the President ultimately signs it into law, then Amtrak will have access to over \$2 billion in much-needed capital funds that have been set aside for it under the Taxpayer Relief Act of 1997. So this bill not only presents the opportunity to avoid an immediate Amtrak collapse; it also will provide Amtrak with immediate access to desperately needed capital funds. I know from our committee's hearings that Amtrak has a severe shortage of capital, and has, in fact, been cannibalizing its physical plant and equipment for some time, because it did not have the resources to do an orderly capital replacement program. Together with the efficiencies made possible by this bill, the \$2 billion of additional capital will go a long way toward turning Amtrak around and letting it become a healthy, self-sustaining company.

Finally, Mr. Speaker, let me tell all Members on both sides of the aisle, this bill is not about free votes. History has placed us in positions of responsibility in a time of transportation crisis. Unlike some of our predecessors in this body, we do not have the option of punting. It's put-up-or-shut-up time, and currying favor with special interests today will not solve any of these problems that have been getting worse for 26 years. If you can't stand up and be counted on a sensible bipartisan reform like this, then don't delude yourself into thinking that there's going to be a second chance. That's a pipe dream.

Thank you, Mr. Speaker. I reserve the balance of my time.

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

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

Mr. Chairman, to begin with, I would like to inquire of the gentleman from Pennsylvania [Mr. SHUSTER], is my understanding correct that this afternoon we are going to do only general debate?

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

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

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

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, presumably we will begin tomorrow morning at some time? Has there been an announcement by the leadership of when we may anticipate?

Mr. SHUSTER. Mr. Chairman, if the gentleman would continue to yield, I have no further information other than the statement that I will move that the committee rise following general debate.

Mr. OBERSTAR. Mr. Chairman, again reclaiming my time, that leaves our side somewhat puzzled. During the debate on the rule there was some statement made about the shortness of the session and the urgency to move this bill ahead. Now it seems that the urgency has faded and I am very puzzled by this, and I am wondering what has happened on the other side of the aisle.

Mr. SHUSTER. Mr. Chairman, if the gentleman would continue to yield, the decision was made by the leadership during the vote to not proceed beyond general debate today, and that decision is above my pay grade.

Mr. OBERSTAR. Mr. Chairman, again reclaiming my time, I would say that I did not think there was much above the gentleman's pay grade.

Mr. Chairman, it reminds me of the last Congress when this bill was before the committee and there was a vote and then we suspended and then we came back, then the bill was pulled again, and now this is the third time. I am curious as to what really is going on here. I am very curious about what has happened.

Mr. Chairman, I also wanted to mention that during debate on the rule, as the gentleman from Pennsylvania was making his comments, I noted with great interest his reference to service on the track gang and I wanted to suggest at the conclusion of the gentleman's remarks that we might form a track gang caucus, since this Member also worked in the iron ore mines on the track gang pounding oil and bumping rail.

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

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, that is back when men were men.

Mr. OBERSTAR. Mr. Chairman, this is extremely important legislation. It puzzles me, therefore, why we have a truncated process today if it is that

important and there is so little time remaining in the session that we are to have this restricted rule and this expedited process that we cannot proceed through to conclusion tonight.

Amtrak's financial situation is indeed critical. We do need to pass reform legislation. We do need to pass reauthorization legislation to enable Amtrak to operate efficiently and release the funds that have been made available in the tax legislation.

Mr. Chairman, Amtrak's survival is absolutely vital to the Nation's transportation system. Most passengers now travel by car or plane, but those modes use enormous amounts of energy. They have substantial adverse environmental impact. There are limits to our ability to accommodate more traffic by building new highways and new airports. We need rail service.

Mr. Chairman, we need a highly efficient passenger rail system as other countries in the world have. We ought to be able to have 175-mile-an-hour passenger rail service in America as they do in France or 300-mile-an-hour rail service, as they will have in Germany with the construction now underway of the Maglev train system between Hamburg and Berlin or the 180-mile-an-hour passenger rail system in Japan, the Shin-Kansen, that carry 254 million passengers a year. But we do not have that in the United States, and we ought to make that investment. And this legislation would move us in that direction if it was the right kind of legislation.

Mr. Chairman, we agree with much of what is in this bill and what passed the House in 1995. But we believe it is bad public policy to go forward with provisions in the bill that adversely affect labor and the consumer interests that are adversely affected by the liability caps.

Mr. Chairman, there will be amendments to address those issues and I will support those amendments. But it will be extremely difficult to pass this legislation in its present form because the provisions in the bill dealing with labor and liability are opposed by the administration and, indeed, caused the bill in 1995 to die in the other body.

□ 1615

The same provisions are there this time. They will again make it impossible to include Amtrak reform, to see Amtrak reform through to enactment, and they made it impossible to see Amtrak reform through in the reconciliation package that passed the Congress recently.

It is puzzling to us why this restrictive labor language is necessary. The obligations in current law to protect the rights of working men and women that are freely negotiated between labor and management, which would be eliminated by this legislation, are not an impediment to the efficiency of Amtrak.

In the year and a half, almost 2 years now since the House passed the much

ballyhooed bill in 1995, we have had an opportunity to see what the effect has been of labor protective provisions. In this period that has elapsed since passage of that bill, there has been a net loss of 2,000 jobs at Amtrak. The cost has been an average of \$1,000 per employee. That nets out to about \$2 million.

Amtrak adjusted service, laid off 10 percent of its work force. It cost roughly \$2 million to do that. I do not see how that is an impediment. I do not see why we need to eliminate protection of labor's rights freely negotiated in order to save Amtrak. How does that \$2 million save Amtrak?

In fact, in a July 28 letter from the chairman of Amtrak, Tom Downs, he stated:

I testified in front of the Senate Finance Committee with Sonny Hall, and I stated in the hearing on the record, that Amtrak does not experience significant costs in C-2 expenses; that is, labor protection expenses, so that the impact of the repeal of C-2 would not save us any significant funds except in the ultimate bankruptcy of Amtrak. I also stated I would prefer to be able to negotiate C-2 provisions with labor than to have Congress mandate changes.

That same view was expressed by Mr. Robert Kiley, spokesman for the committee's task force of experts who reviewed the Amtrak financial situation, that the chairman had appointed. At a press conference on the task force report, Mr. Kiley said that the labor protection issue is a red herring.

Well, it is a red herring. Why it has to be the centerpiece of this legislation is beyond me, Mr. Chairman. I simply do not understand it. I do not know why they want to take it out on Amtrak labor, on rail labor under the guise of somehow saving Amtrak. The labor and liability provisions are bad public policy.

On the labor side, it takes away from employees all rights on severance pay and all rights on contracting out. The provisions in the bill abrogate not only labor protection provisions in law, but those provisions that labor and management together have negotiated. Why do you break a contract?

My father worked in the iron ore mines all his life. He said the only guarantee against the company is your union contract. It cannot be taken away from you. But here in this legislative body, if we pass this bill, by legislative fiat we will take away what labor has freely negotiated with management. That is wrong. I will not stand for it. No one else should stand for it in this body.

The reported bill also establishes new procedures for negotiations on labor protection and on contracting out. And they go far beyond and substantially depart from the balance process established in the Railway Labor Act.

The liability provisions in the bill create serious inequities. The bill would cap noneconomic damages, such as damage for pain and suffering, in a manner that favors affluent plaintiffs. The cap is economic damages plus

\$250,000. That means the higher the economic damage, the higher the added damage for pain and suffering.

For example, take a wealthy corporate executive who can show economic losses or damage of a million dollars. That person gets in an additional \$1.25 million in noneconomic damage for pain and suffering. A child or an unemployed person with the same pain and suffering is limited to \$250,000. That is not right. We should not do that. We should not make those kinds of changes. We should not interfere in the tort liability process.

I cannot support a bill that has such onerous provisions and is so destructive of the labor-management relationship. There are reasonable amendments that will be offered. They could be offered tonight. We could pass this, pass those amendments and conclude action on this bill tonight and get Amtrak on its way if Members are so concerned about seeing Amtrak continue to operate safely and efficiently.

We could do it tonight. We could pass the LaTourette amendment and get on with our business, but apparently it is going to be held over until tomorrow.

In that spirit, Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, this is a very serious business, a very serious issue before the Congress. In fact, as we heard the gentleman from Pennsylvania [Mr. SHUSTER] say, Amtrak is going down the tubes. Amtrak cannot survive a strike which has been put off for another week here.

What is fundamental to this debate is, why is Amtrak off track? As a member of the Subcommittee on Railroads, I had the nerve, the very gall, like other responsible members of the subcommittee, to ask why. Why is Amtrak in this condition? We held hearings on this matter. Why are we subsidizing billions of hard-earned taxpayer dollars in a losing system? Why is Amtrak losing money day, after day, after day? How can we put national and vital regional rail passenger service back in responsible operation?

Anyone, in fact I submit anyone, Democrat or Republican, who take a look at this and we passed this bill by a wide, wide bipartisan measure and folks looked at it. We had a bipartisan commission look at it. I submit even if we had the village idiot look at this they would all come up with the same conclusion, that there are two reforms that are necessary for Amtrak. One is labor reforms, changes in labor law, some that were enacted decades ago. Two, liability reform. Everyone who looks at it comes to the same conclusion.

I submit on the labor front, and this is, let us get to the heart of the issue, just read this, what are the Democrats and labor bosses defending? Up to 6 years of wages and benefits for any Amtrak employee asked to travel more

than 30 miles from home to work. This is one provision. Look at this one.

What are the Democrats and labor bosses defending? Up to 6 years of full wages and benefits for all Amtrak employees who are laid off due to a route elimination or because of the frequency of Amtrak train service falls below three trips per week. This is the premium that we have to pay some labor agreements that were made years and decades ago. We do not have firemen on trains anymore because the situation changes. We do not have fires in the engine anymore. But this is what they want to preserve. This is the heart and the core of it.

I submit we can protect employee rights. I think that we can expand employment in Amtrak and give more opportunity. But we need labor reforms, we need liability reforms. We can protect individual rights as far as liability reform, but we must limit some exposure. We cannot be paying out these huge settlements and make this train run on track.

With a little bit of flexibility, I submit, with a little bit of cooperation and, God forbid, a little bit of innovation, we can make Amtrak run. We can increase employment and, in fact, we can provide cost-effective national passenger rail service.

Times change. I said there is no firemen on trains anymore. I am part of the club, too. I worked on the railroad in the summers and they are great people. They are wonderful people. They are hard-working people. But times and position change, I submit, Mr. Chairman, and we must change. Why must we change? Because Amtrak must run like a business. The Congress demands it. The balanced budget requires it. Common sense dictates it. The taxpayers are fed up and they will no longer pay for it running the way it is.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, we have an opportunity today to continue a vital service to millions of people or to help in causing its demise. I think it important that we adopt the LaTourette-Oberstar amendment and the Oberstar substitute, which would provide the capital funds Amtrak needs and would not punish Amtrak's workers and those unfortunate enough to be injured in any possible accident.

The need to fund Amtrak's capital program and provide operating assistance is obvious. The bill before us provides that funding at adequate levels. Unfortunately, the bill also includes provisions that are unacceptable to many of us in this body, to many in the other body and to the President. This House passed an almost identical bill last year and at that time we thought it was the only way that Amtrak could receive the funding it needs to continue. We know now this is not the case. We know that this bill died in the Senate last year precisely because of the objectionable provisions that are

contained in this bill and will most likely meet the same fate again. We also know the President will likely veto this legislation as currently drafted.

What must be removed to make this an acceptable and a good bill? The caps on punitive damages and noneconomic damages must be removed. To put a cap on punitive damages of \$25,000 or three times the amount of economic loss, whichever is greater, says that the rich person who is damaged by deliberate negligence, by deliberate tort, we should punish the tort-feasor by three times as much as he is worth. But the infant or the low-income person, his pain and suffering is not worth that. His suffering is only worth the much lower amount.

The straight cap of \$250,000 on noneconomic damages on pain and suffering, that is not fair. That is not fair to those who are injured. It is wrong to arbitrarily place a value on an injured person's loss or his life.

The second issue that has no place in this bill is the circumventing of labor protections. This body, through this bill, has taken upon itself to determine the labor practices for Amtrak and its employees. Even Amtrak does not believe that these provisions are needed.

Thomas Downs, chairman of Amtrak, stated that Amtrak was completely satisfied with the collective bargaining process under the Railway Labor Act. Even the amendment to the C-2 provision in this bill, he said, was not necessary. Amtrak does not experience significant costs in C-2 expenses. This is supposedly the most burdensome labor protection Amtrak employees have. The reason Amtrak needs this capital money and this operating assistance is because the competition from the federally subsidized interstate highway system makes it imperative that any passenger railroad have this kind of subsidy.

Mr. Chairman, I would urge this Congress not to punish Amtrak, its labor, its management, and its passengers. We should support the LaTourette-Trafficant amendment. We should vote "yes" on the Oberstar substitute and then we should pass a bill that will keep Amtrak viable for all Americans.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama [Mr. BACHUS], a distinguished member of our committee.

□ 1630

Mr. BACHUS. Mr. Speaker, there have been several issues that have come up on the floor that I think need clarification. One thing that has been said on this House floor is why is there a need for labor reform? Why can Amtrak labor and management not just sit down and negotiate through the collective bargaining process?

I would point out to the Members that Amtrak is presently required by Federal law to make labor protection payments of up to 6 years of full wages and benefits to any employee who is

laid off due to a route discontinuation or the reduction in service below three times a week.

Now, there have been some statements also on the floor of this House that that is the same labor protection that the freight railroads enjoy. But that fact is not true. Reducing service below three times a week does not kick in the freight railroad protection. The discontinuation of service does not kick it in.

Under the labor protection in this bill, if an employee is asked to move 30 miles or more, these labor protection provisions kick in. That is not true with the freight railroads.

What we basically have by the protection that is in the bill today is we have our railroads competing with bus lines and airlines which do not have these restrictions, and they are losing money, and that is despite the fact that we have subsidized them to the tune of \$19 billion between 1970 and today. That is something that we should not ask the American taxpayer to do. And we also should not have the type of restrictions in this bill that we find nowhere else in America, that no other worker enjoys.

We also have the contracting out provisions. Those are a source of capital drain for Amtrak. That is one of the reasons that Amtrak capital and their equipment is in such bad shape today; that it is beginning, I think, to be a responsibility of all of us in Congress either to operate Amtrak safely or not operate it at all. This is becoming more and more a safety issue.

There was a reference on the floor of the House that they are presently contracting out some work. The only work that they can contract out now is work if it would not result in one single employee of Amtrak being terminated. So we have almost zero contracting out now.

The final thing that I would say is it has been said that Amtrak pays out very little cash in labor protection payments. The reason for that is, and that is probably one thing that has been said that is true, that this simply proves that Amtrak management is unable to make normal, rational business decisions because the statutory labor protection standards are standing in the way.

I repeat again this example. Most Amtrak service reductions do not go below three trains a week. The reason they do not is to do so would trigger the labor protections. So Amtrak is tied up. That is why they are running three trains on some routes when they would like to run none.

We ought to at least give Amtrak the right to operate with sufficient capital and to operate the way that other businesses operate in this country. And we also should not come to this floor and say that what Amtrak now has is the same labor protection that the freight railroads have. That is not true.

In fact, and I will close with this, these labor protections not only extend

to labor, they extend to the management of Amtrak, which I do not think I have ever seen an instance of that before.

Mr. OBERSTAR. Mr. Chairman, I yield myself 25 seconds.

In the interest of accuracy, the 30-mile issue is not in Amtrak law, it is covered by a collective bargaining agreement. And if we wipe out collective bargaining agreements, then we have wiped out something labor and management together have freely negotiated.

Amtrak did try cutting their frequencies to three times a week. They found that it lost money. So they cut those routes altogether.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida, Ms. BROWN of Florida.

Ms. BROWN of Florida. Mr. Chairman, I rise today in support of preserving wage and labor protection for Amtrak rail workers. Overall, the Amtrak authorization bill is an acceptable bill, but it eliminates wage protection provisions which already exist because of collective bargaining agreements. Mr. Chairman, this is totally unacceptable. Let me repeat, Mr. Chairman. This is totally unacceptable.

Congress should not place in law language that disregards labor agreements. I urge all of my colleagues to support the Trafficant amendment which allows collective bargaining to settle the wage protection and contracting issues.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time and also for all the work he is doing on this bill.

I am a little concerned about the debate which I am hearing today. I am right in the center of Amtrak. Wilmington, DE, is directly between New York City and Washington. We are the ninth most used rail station. I use it personally. We have a lot of employees there. I speak to Mr. Downs on a regular basis, for whom I have a tremendous amount of respect. I think he is doing a wonderful job. I have toured the different facilities there and spoken to the union people. I have been through the whole thing.

We have a problem on our hands, and I am not sure we are recognizing that on the floor of the House of Representatives today. And that problem is that there is almost a strike today. It would have started at 12:01 this morning, I believe, if they had not put it off for a week. It could start up 6 days from now. That is a tremendous problem.

If we shut down Amtrak, we will have a problem. That did not come up directly because of this but because of a board which the President put together imposing some very high wage increases, which is all well and good, except nobody said how we are going to pay for it. It comes to about \$85 million a year, is what it comes to, and we are

not sure at this point how that will be paid for.

We are not sure at this point what we will do with respect to the capital improvements, which everybody agrees are needed. We did pass \$2.3 billion as part of the tax bill in the course of this summer, but we cannot get that released unless we get this authorization done. All these things have to come together and they all have to interlock together in some way or another.

And while it is fine that we are debating the labor and liability issues, the bottom line is if we do not pass something pretty soon in the House of Representatives, Amtrak will fail, and then our debate will be about whose fault it was that it failed. We need to come to some resolution of this. We need to make sure the \$2.3 billion is released. We need to deal with the strike issues as soon as possible.

And by the way, I have serious doubts they can continue commuter travel at the same time that they are going through a strike. This would just clog the whole east coast area. Amtrak is vitally important not just to the east coast but to other parts of this country, but it literally would have an effect that is overwhelming in certain parts of the country, and the congestion on the east coast would be that.

But I am bothered beyond all this. I am bothered by the fact we are trying to play catch up with Amtrak. And yet we go to other countries and see videos of other countries on television and we learn about the rail systems which they have, which are vastly superior to what we have in the United States of America. That does not exist in any other area of transportation but in that of rail. And I think we need to address that issue as well.

This does have 500 destinations. Amtrak does touch in 45 States. It does provides over 22 million passenger rail trips every year. That is a significant amount of travel in this country, and my judgment is we have to improve it. We have that chance to do it. The chairman has worked hard to get us in that position to do it, and we have to pull together.

If indeed there are labor, liability, or other issues that need to be resolved, such as route flexibility or whatever it may be, we need to sit down and try to work that out. But we do not need to defeat this legislation. That would be a serious error. It passed last year by a vote of 406 to 4. Let me tell my colleagues, it is a lot more urgent this year in 1997 than it was in 1996.

I would encourage all of us to support this legislation, work out what the differences are and make sure rail travel in America goes forward.

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

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

Mr. TRAFICANT. Mr. Chairman, I believe to save Amtrak we do not have

to kill the Amtrak workers. We all want to save Amtrak. I think that we are not going to go forward with any votes tonight because there are many Republicans that realize that it may be perceived as just a jab back at labor, because the two major elements of this bill and the real bottom line issue is preserving the integrity of the collective bargaining process, and that is why labor is up in arms.

I think Republicans are foolish. I think they are getting more labor votes than they think, and I think they have an opportunity to look at this in a different vein. My voting record reveals I have tried to always be fair, and I vote for what I think is best for the country, and I am advising my Republican colleagues to take a look at this before they come to the floor.

One thing the Quinn bill does, and I love the gentleman, I think he is a great Member, but it does something I do not like: It treats some people differently; namely, Amtrak workers. And I want to stand here today on behalf of Amtrak workers.

I have said this many times, but I will say it again, because I want that old Pitt man there, one of the great chairmen in our history, I think he was born to be chairman of this committee, and I follow his lead, but as an old Pitt quarterback, I can remember when Vince Lombardi died. Everybody said they loved him, and the news media could not believe it. And they went up to Willie Davis and said, Willie, big Hall of Fame defensive end, Willie, tell us the truth about Vince Lombardi. Now, look, tell us the truth. He said, I loved him. They asked him why he loved him. He said because he treated us all alike, like dogs at times, but all alike.

Mr. Chairman, I think it is bad policy, poor precedent to place worker against worker. If I were a Republican and the labor unions tried to beat me, I would feel the same way. I think it is time to rise above that.

Here is the point I want to make: The contracting out provisions and the other labor protections in this bill for Amtrak workers has been admitted by Amtrak to not be a part of the cost complications. They are inconsequential. So what appears to me to be labor is, all right, these guys screwed me and I am going to get them. And I guaranty back there in Altoona the gentleman has more labor support than any Democrat that is going to run against him.

I am asking the chairman to treat Amtrak workers like all the other workers, and we do not have to kill Amtrak workers to save Amtrak. Let us save Amtrak and get ourselves a few votes in the process.

With that, I yield back any more of the politics of this matter.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me be very brief on some very key issues. There is no doubt that we join collectively to save Amtrak. I am a strong proponent of that, and I appreciate the work that has been done by both the ranking member and the chairman on this committee.

I want to lay on the table two key issues, and that is protecting employees, providing them with the same work conditions and benefits as we would want to have provided for our other workers throughout this Nation; and then, as a member of the House Committee on the Judiciary, I must emphasize my great concern in the capping of economic and noneconomic damages, in this instance relating to punitive damages as it relates to individuals who are injured.

We have gone through this battle before. I think that we can save a valuable transportation vehicle and tool like Amtrak by being fair with those injured parties. There is no price that we can place on a lost arm or leg. There is no price that says that one who is the CEO of a company, that one who has great wealth should be costed out in damages more so than that retired, elderly, former schoolteacher, or that young student who tragically was injured.

We can fix this legislation, and I think we should. Let us be fair and provide for transportation for all those who need it and, at the same time, give value and benefits to the workers and protect those individuals, those innocent individuals who may be using this vehicle, this means of transportation, so that they too will recognize the value of what we do in this Congress and we do it in a fair and honest way.

Mr. Chairman, I rise today to raise some serious concerns about H.R. 2247, the Amtrak reauthorization bill, as it stands today. Unless amended, this legislation would be a failure by this Congress to protect the interests of the American people in general, as well as, the constituents that we have all been elected to represent. I do not mean to suggest that H.R. 2247 is a piece of legislation without merit. Actually, this legislation begins the important first steps necessary to make Amtrak a fully self-funded national transportation entity, by decreasing costs and making it possible to increase revenues. However, it is still very important that we be careful of what means we use to achieve greater gains in fiscal solvency. Frankly speaking, the changes that this bill makes to the state of standing Amtrak labor relations and the liability of the rail line for either economic or non-economic injury is greatly in need further review and revision by this Congress. We must and can not pass legislation from this body that chooses economic gains and protections for corporations above the rights of the individual to recover in case of injury.

As far as claims for property damage or personal injury, my primary objections to H.R. 2247, as it stands, are as follows. First of all, H.R. 2247 caps damages for noneconomic injuries at a sum of \$250,000 above the victim's economic damages. Second, the bill then limits an injured passenger or victim's recovery for punitive damages to \$250,000 or three

times the amount of economic loss, whichever is greater in that case. And third, the bill sanctions private indemnification agreements that would completely immunize railroads from liability in the event of an accident, forcing Amtrak to pay for the gross negligence of these parties.

First of all, the final legislative initiative in this group, about indemnification, may very well increase Amtrak's costs because of the recent frequency of rail crashes in America, which occur approximately once an hour according to U.S. News and World Report. On the other side of every indemnified Amtrak crash, there are most likely going to be injured passengers or victims who deserve to recover damages, why place that burden solely on Amtrak? Is it prudent or responsible at a time when railroad accidents are occurring at an alarming rate to pass legislation that assigns additional financial responsibilities on Amtrak to compensate injured parties for accidents? I would contend that it is not. What incentive does an indemnified entity have to make sure that accidents do not occur, and if these incentives do exist, why take such a great risk with the lives of the American people? These railroads can act negligently or recklessly, cause an accident, and simply leave Amtrak to carry the bill.

Furthermore, how can we dare to put a cap, a calculated, definitive value on the amount of recovery for noneconomic and punitive losses? Is the loss of an arm, a leg, a wife, a husband, a mother, a father, a daughter, or son because of a disastrous crash all equal in value? I do not see how they could be. Also, why does this legislation place a cap upon punitive and noneconomic damages and not economic damages? Are those who have lesser economic harms somehow justifiably entitled to less no matter what that particular injury may be? In sum, none of these new initiatives appear to be pragmatic in function or necessary for the future of Amtrak; they ultimately raise a lot of questions, but give very few answers.

Finally, the blatant disregard of this appropriations bill for the standing labor relations within the Amtrak operative structure, is grounds enough for opposing H.R. 2247. The bill, as it stands, removes protections from workers, tells Amtrak and its employees to negotiate, but gives no incentive for Amtrak to negotiate. H.R. 2247 just strikes standing Amtrak employee protections from the law without giving Amtrak bargaining constraints, and thus forces the employees to strike to enforce their demands to management because their statutory protections are gone. Much like many of the other changes within this bill, it just does not make any sense. I urge my colleagues to support the LaTourette amendment which was drafted specifically to address these concerns.

In light of all of these many concerns and controversies, I would ask all of my colleagues to be reasonable, and please reconsider H.R. 2247. Not simply for the good of Amtrak, but as well for the good of America.

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Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I want to thank the gentleman and I want to thank the chairman of our full committee and members of the Republican

Party. It is the first time in 15 years I have ever had my words blown up and prominently displayed. I have joined the ranks of GINGRICH, ARMEY, GEPHARDT, and many others. I just hope they will also blow up some of my predictions that I made about the Contract With America because I think those proved to be equally succinct and of course prescient.

Now, 406 to 4, and so the claim is made, well, many of our colleagues voted for that and, yes, I voted for the bill the last time, too. But, Mr. Chairman, I have got a practice that if I run one time into a brick wall, I try not to suit up and run into it again. And so many of us when we signed up last time and voted were told this is the way it had to be because this is the best way to get this bill passed and Amtrak is in trouble and this is the way to get it passed, emphasis on "passed."

406 to 4, 2 years ago and we are back here again. Why? Because it did not pass the Senate and it was not signed by the President. The Senate would not even take it up and so we can vote for this bill again and we can run into a legislative brick wall for every bit the same reasons. What we are doing in our amendments and in our language is we are trying to remove the impediments to getting this bill passed, the labor protection clauses and the liability clauses. That is what held this bill up. We can get this bill passed, I presume, in the next week or so by removing the controversial items.

So, yes, my hope is that 406 to 4, there are a lot of people that learned something out of that. And what we have learned is that if it did not work this way last time, it will not work this time and so let us make the changes that are necessary to keep Amtrak functioning. There are significant differences between then and now. Amtrak is in a different situation but, most importantly, we know what did and did not work and now that we know what did not work, let us not make that mistake again. I would urge my colleagues to support the amendments that will make this bill work and get it passed.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana [Ms. CARSON].

Ms. CARSON. Mr. Chairman, during this general debate there are certain points that need to be made crystal clear. Amtrak's most important assets are the many men and women who work hard to make sure that our Nation's rail passenger trains operate safely. The bill before us today simply is not fair to these employees. It creates a gaping hole in the law which will deprive Amtrak workers of wage protections which have been in place since the 1930's for displaced and downgraded employees.

It also removes restrictions on contracting out work. This would allow Amtrak management to throw away its employees by making their jobs dis-

appear. This provision in the bill would directly affect 706 workers in the 10th Congressional District of Indiana. Amtrak operates a maintenance shop in Beech Grove, IN, to keep its engines and passenger coaches in good running order. This bill would allow Amtrak to shut down that facility and shift maintenance to privately contracted shops outside of Indiana. The 706 workers at the Beech Grove maintenance shop deserve better than this. They are doing a good job and receive health care and other benefits. I do not believe that we should be eliminating those jobs and sending the work out of Indiana, especially the contract facilities that do not give their workers the same pay and benefits.

That is why I support the LaTourette-Traficant amendment. It would restore the labor protections that exist in current law and would preserve the jobs in Beech Grove. I compliment my two colleagues for offering this amendment.

The Quinn amendment, on the other hand, would only make minor improvements to the bill. By voting for the Quinn amendment, we would be voting against the LaTourette-Traficant amendment. Do not be fooled. The Quinn amendment does nothing to help Amtrak workers. It is a killer amendment designed to defeat the important labor protections that the LaTourette-Traficant amendment seeks to restore. When these amendments are offered, I strongly urge my colleagues to reject Quinn and adopt LaTourette-Traficant.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, the Federal Government is a master at creating Federal programs based upon good intentions, but for which the tax till has become a lifeline for survival. Congress created Amtrak back in 1970 with a one-time grant of \$40 million, one-time grant, it was supposed to be. It was to be independent and was to be self-sufficient. As we all know, Amtrak has not become self-sufficient. It has turned into a \$22 billion black hole for taxpayer dollars.

What have we gotten for our money? Passenger trains in 1997 are slower than they were in the 1950's. Their average speed is slower than many Third World countries. Even tomorrow's version of high speed rail will be slower than France or Japan's trains in the 1970's. Amtrak has used the taxpayers' \$22 billion and taken a giant step backward. How do we reward Amtrak for this? In Congress' infinite wisdom we have decided to give Amtrak, which has never paid any taxes, a \$2.3 billion tax refund. But to kill the \$2.3 billion now, we would have to kill this legislation.

While I do not think this bill goes far enough and I know Amtrak will be right back at the Federal trough as soon as it gobbles up the next \$2.3 billion, it does contain a number of items which make sense. With the passage of

this bill, Amtrak will finally be able to adjust their system of routes without fear that Congress will tie their hands. At the same time we have given preapproval for States to form interstate compacts in order to take over any routes Amtrak discontinues. We are encouraging contracting out, replacing the current Amtrak board, taking the Government out of Amtrak through the redemption of Amtrak's common stock and reforming the labor structure.

Mr. Chairman, some of my colleagues beholden to the labor unions will argue that this bill goes way too far, and I say it does not go nearly far enough. This bill does not go far enough and Amtrak is bound to turn to Congress for more help in future years. But as long as the labor unions are spending millions of dollars trying to buy Congress, as long as we continue to delude ourselves that Amtrak will ever be able to run a railroad and as long as we continue to waste our taxpayers' dollars by pouring it down this empty pit, this is the best bill we can probably pass in this House. I urge my colleagues not to water it down any more.

Mr. OBERSTAR. Mr. Chairman, although we have more time, we have no further speakers on our side. In sorrow, disappointment, and puzzlement that we will not get to a vote tonight, I yield back the balance of my time.

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

The CHAIRMAN. All time for general debate has expired.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. CALAHAN) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON S. 830, FOOD AND DRUG ADMINISTRATION REGULATORY MODERNIZATION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia? The Chair hears none, and without objection, appoints the following conferees:

Messrs. BLILEY,

BILIRAKIS,
BARTON of Texas,
GREENWOOD,
BURR of North Carolina,
WHITFIELD,
DINGELL,
BROWN of Ohio,
WAXMAN, and
KLINK.

There was no objection.

TRIBUTE TO PHINEAS INDRITZ

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

Mr. DINGELL. Mr. Speaker, it is with a great sense of sadness that I advise this House of the passing of a dear friend of this institution and of mine, Mr. Phineas Indritz, an individual known for many years as an outstanding staff member of many committees of this Congress and well known to many on Capitol Hill and the city of Washington.

Phineas Indritz died on October 15, 1997, at the age of 81 at Holy Cross Hospital following a long illness. Phineas was a graduate of the University of Chicago with A.B. and J.D. cum laude degrees, served as Assistant Solicitor and Counsel at the U.S. Department of the Interior from 1938 to 1957, except during the years of World War II, when he served with distinction in the Army Air Forces.

He then began 20 years of service on Capitol Hill as a staff member to the Government Operations Committee, first as counsel for the Subcommittee on Public Works and Resources in 1957 and then going on to other assignments.

In 1963, he became chief counsel of the Subcommittee on Natural Resources and Power, and at the same time, in 1969, to the Subcommittee on Conservation and Natural Resources. He also served with distinction as a member of the staff of the Committee on Energy and Commerce and also for its Subcommittee on Energy and Power.

He has long been known for the outstanding work he has done for human rights, protection of natural resources, and for his work as teacher and scholar and educator in the area of law.

Mr. Speaker, he will be missed, and I extend my sorrow and sympathy to the members of his family who properly grieve the loss of a great man.

Some may remember the series of articles written by David Maraniss for the Washington Post about the Committee on Energy and Commerce in 1983. In one of these articles, dated July 18, 1983, was a portrait of Phineas Indritz. I would ask that a passage from this article be reprinted as follows:

There is a special desk and telephone reserved for Phineas Indritz, the gnome of the Energy and Commerce Committee, on the third floor of House Annex II, and he is received there with the respect befitting a wise old man who has worked in Congress since the birth of the youngest committee member.

That Indritz retired from government service several years ago and is not on the committee's payroll matters not at all when it comes to his standing and influence. Chairman John D. Dingell loves him like a brother, and it is fair to say that Dingell keeps him around because he needs him: Little Phineas is in many respects the social conscience of Big John.

Every few months, Indritz appears in Dingell's office with a wrong that must be righted, with evidence of an injustice inflicted by corporate America or some agency of the federal bureaucracy. "He's like a kid who comes home every day with a different stray dog or cat and plops it on our doorstep," one committee colleague said. "Sometimes we wish he wouldn't bring them home, but his heart is always in the right place. And usually the things he believes in are things that ought to be done."

All of this must be taken into account when one considers the life and times of H.R. 100. This measure, popularly known as the unisex insurance bill, has sent the insurance industry into a multimillion-dollar lobbying frenzy. It has been embraced by feminist groups as the centerpiece of their campaign for economic equity. And it has trapped Energy and Commerce members in the middle of a ferocious fight that many of them wish would be waged somewhere else.

Indritz, committee aide emeritus, dropped H.R. 100 on the doorstep. He is one of the bill's principal authors. An old civil rights activist and New Deal liberal, Indritz is blessed with talents as extraordinary as his name. For years, his amazing juggling feats with bowling pins have delighted friends and strangers in parks around Capitol Hill.

He drives through town in a fine old convertible, his head barely protruding above the steering wheel. His tweed suit pockets hold a bountiful supply of hard candy, and his scholarly mind retains more obscure facts about constitutional law and legal briefs on discrimination than can be found in the library of the Supreme Court.

It was his lifelong obsession with fighting discrimination that led Indritz several years ago to take hold of a bill prohibiting insurance companies from using race or sex in setting rates for policyholders.

Phineas will be greatly missed. We are fortunate that his legacy is so long, and continues to live with us and help us every day. He is survived by his two daughters, Tahma Metz of Bethesda and Tova Indritz of Albuquerque, NM; and a son, Dr. Doren Indritz of Phoenix, AZ; a sister; and two grandsons. He was preceded in death by his beloved wife of 34 years, Ruth Gould Indritz.

HONORING BOB L. VICE

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

Mr. PACKARD. Mr. Speaker, I rise to honor a distinguished agricultural leader at the local, State, and national level who will be leaving office this year. Bob L. Vice, President of the California Farm Bureau Federation, has led the largest agricultural organization in the State of California for the past 8½ years. He has met many challenges during the time to keep a \$24 billion a year agricultural industry, the largest in the Golden State on course. California agriculture is an industry that contributes generously to the State's economy.