

Weiner	Wicker	Wynn
Weldon (FL)	Wilson	Young (AK)
Wexler	Wise	Young (FL)
Weygand	Wolf	
Whitfield	Woolsey	

## NAYS—52

Aderholt	Hefley	Sawyer
Baird	Hilliard	Schaffer
Bilbray	Hinchey	Stark
Borski	Hoyer	Stupak
Brady (PA)	Johnson, E. B.	Sweeney
Capuano	Klink	Taylor (MS)
Clay	Kucinich	Thompson (CA)
Costello	LoBiondo	Thompson (MS)
Crane	McDermott	Thurman
Dickey	McNulty	Udall (CO)
English	Miller, George	Udall (NM)
Fattah	Moore	Velazquez
Filner	Moran (KS)	Vento
Ford	Oberstar	Visclosky
Gibbons	Peterson (MN)	Waters
Gillmor	Pickett	Weller
Gutknecht	Ramstad	
Hastings (FL)	Sabo	

## ANSWERED "PRESENT"—1

Tancredo

## NOT VOTING—18

Becerra	DeFazio	McKeon
Bonior	DeLay	Meeks (NY)
Chenoweth	Gephardt	Paul
Collins	Hooley	Scarborough
Cubin	Houghton	Weldon (PA)
Danner	Jefferson	Wu

□ 1122

So the Journal was approved.

The result of the vote was announced as above recorded.

# NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 1999

The SPEAKER pro tempore (Mr. QUINN). Pursuant to House Resolution 312 and rule XVIII, 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. 2910.

□ 1123

## 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. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, with Mr. BARRETT of Nebraska 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 for the first time.

Under the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

This bill before us today reauthorizes the National Transportation Safety Board, the NTSB, for 3 years. The House needs to move forward with this legislation because the Board's authorization expires at the end of this fiscal year.

We are all familiar with the work of the Safety Board. It investigates all

aviation accidents as well as accidents in other modes of transportation. The problems it uncovers and the recommendations it makes often lead to changes that make travel safer for us all.

The bill before the House now would increase the authorized funding levels for the Safety Board. Currently, the agency is receiving \$54 million per year. This bill would increase that amount to \$57 million in fiscal year 2000, \$65 million in 2001, and \$72 million in 2002. These are substantial increases in the second and third years, but the funding levels in these last 2 years are much less than the Board had sought. They seem to be necessary to provide the Board with the employees and the training to keep up with rapidly changing technology.

Also, as the agency's budget increases, it is becoming more important that it be subject to the proper level of oversight. Therefore, for the first time this bill will give the Inspector General the authority to review the business and financial management of the NTSB. With this provision, we do not mean to imply that there is anything improper going on. We are merely treating the NTSB the same as other agencies which are subject to Inspector General review.

There are several other provisions in this bill worth noting. The first makes clear that the NTSB's jurisdiction over accidents on the navigable waters and territorial sea of the United States extends 12 miles from the coast. This is consistent with Presidential Proclamation 5928 and with the Coast Guard's jurisdiction.

The second change authorizes the NTSB to enter into agreements with foreign governments for the provision of technical assistance and to be reimbursed for those services which the NTSB provides. The NTSB requested that this be clarified.

The bill would also permit the NTSB to pay time-and-a-half to its employees who work overtime on an accident investigation. These employees sometimes are called unexpectedly to work in difficult conditions during nights and weekends. This provision would fairly compensate them for that. Employees in the private sector usually receive time-and-a-half when they work overtime. However, I know that overtime provisions have been abused at other agencies. Therefore, the overtime provision in this bill is subject to two limitations to ensure that such abuse does not occur at the Safety Board, and it should be done in other agencies. These limitations are that an employee cannot get more than 15 percent of his base yearly salary in any year, and the NTSB cannot pay more than \$570,000, or 1 percent of their authorized amount, per year total under this section. Moreover, overtime pay would be subject to an annual reporting requirement to ensure the committee's continued oversight of this issue. The NTSB had requested even more au-

thority in the personnel area but indicated that it was the overtime issue addressed here that it is most interested in.

Another important provision, Mr. Chairman, in this bill is the section that ensures confidentiality of video recorders on aircraft and of voice and video recorders on surface vehicles. The NTSB requested this change in case these new technologies are installed in the future. We take no position on whether these recorders should be installed. We merely want to make sure that if recorders are installed, the information on them is used only for safety purposes and not generally released for sensational purposes or to invade the privacy of the operators.

The bill once again makes clear that the NTSB safety investigation takes priority over other investigations of the same accident. However, there is a carefully negotiated procedure in the bill for the NTSB to turn over its investigation to the FBI when the FBI notifies the Board that the accident may have been caused by a criminal act.

Finally, the bill directs the FAA to install a terminal Doppler weather radar at the former Coast Guard station in Brooklyn, New York. The FAA has already decided that this is needed for the safety of all air travelers but we want to make sure that nothing else holds this up. The need for this provision arose out of our hearing on aviation and weather accidents in July.

□ 1130

There it was revealed that the Park Service was objecting to the placement of this equipment which would very much enhance safety at LaGuardia and Kennedy airports. The Park Service has since backed down from its objection, but we want to keep pressure on them to make sure that important safety equipment is installed as quickly as possible.

Mr. Chairman, I believe this bill gives the NTSB the tools it will need to carry it into the next century. I urge the House to support this legislation.

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

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

Mr. Chairman, I rise today in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. H.R. 2910 is a bipartisan bill that reauthorizes the NTSB for 3 years so it can continue to play a critical role in ensuring the safety of our Nation's transportation system.

The NTSB is an independent agency that investigates transportation accidents and promotes safety for transportation. It investigates accidents in all of transportation's various modes: Aviation, highway, transit, maritime, railroad, and pipeline and hazardous material transportation and makes recommendations on ways in which to improve safety. In the last 3 years alone, the board has investigated more

than 7,000 accidents and issued 57 major reports. The board has also issued more than 1100 safety recommendations. These recommendations, many of which have been adopted, have greatly increased the safety of each mode of transportation.

To maintain its position as the world's preeminent investigative agency, it is imperative that the National Transportation Safety Board has the resources necessary to handle increasingly complex incident investigations. H.R. 2910 ensures that by increasing the National Transportation Safety Board's funding steadily and sensibly over the next 3 years, \$57 million in fiscal year 2000, 65 million in fiscal year 2001, and 72 million in fiscal year 2002. This funding will be used to permit the NTSB to hire more technical experts as well as to provide better training for its current work force. Dramatic changes in technology demand such an investment.

The bill also addresses the issues of coordination among investigative agencies. As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, State, and Federal investigators, agencies on the scene. This is especially true where accidents are not only being investigated for probable cause, but also when criminal activity is suspected. Proper coordination among these various investigative agencies is extremely important.

This bill reaffirms the National Transportation Safety Board's priority over an accident scene unless the attorney general, in consultation with the NTSB chairman, determines that the accident may have been caused by a criminal act. In that case the National Transportation Safety Board would relinquish its primary investigative authority over the scene.

I strongly support H.R. 2910, and I urge my colleagues to vote in favor of this bill.

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

Mr. DUNCAN. Mr. Chairman, I have no other speakers at this time, so I simply reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

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

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

Mr. Chairman, the National Transportation Safety Board is the Nation's premier safety agency. Our highways are safer, our airways are safer, our railroads are safer, our maritime commerce is safer because of the work of the National Transportation Safety Board year in and year out, going back as far as 1926 when the Air Commerce Act vested in the Department of Commerce the authority to investigate air-

craft accidents, an initiative, I might add, spearheaded by a leader in government who later was known or best known for other things that happened in the country. Herbert Hoover, as an Assistant Secretary of Commerce, championed aviation but also realized that if we did not act as a government to set national standards to make aviation safe and reliable, that there could not be commercial growth in this new mode of transportation. And he was the champion for aviation safety. The Nation owes him a debt of gratitude for that leadership.

Since those years and on to the creation of the Department of Transportation in 1966, the role of overseeing safety was lodged largely within the various modes of transportation. In 1966, Congress acted to create a Department of Transportation, and I was a member of the staff of the chairman, the Honorable John Blatnik, who was chairman of the Executive Branch Reorganization subcommittee that created the Department of Transportation and crafted an independent safety board but left it within the Department.

We realized 6 months after the Department had been created, that this was not going to work, that it would create the appearance of the Department and its several modal administrations investigating themselves. So we separated out from the Department of Transportation the Safety Board, created a National Transportation Safety Board, and in 1974 further strengthened that board, giving it greater independence.

The true significance of this board is that its investigations are independent. They are conducted by a staff of highly-trained, skilled, gifted, talented, hard-working professionals. The findings and the conclusions of the board stand above reapproach. Their recommendations to the modal administrations are normative, not burdened by cost-benefit analysis. Their obligation is simply to recommend as improvements in safety what the board in its judgment, in the judgment of its professional staff and its board members, believe to be in the highest best interests of safety. It is then up to the rulemaking process of the modal administration to sort out the costs and the benefits, and that is why the board stands in such high regard throughout all modes of transportation within the United States, with the traveling public and with other countries.

Since its establishment in 1966, the board has investigated over 100,000 aviation accidents and 10,000 surface transportation accidents and hundreds more railroad and maritime issues. The work of this board deserves the support that we give it in this legislation with additional funding, with increased staffing, with authority to pay overtime, with support in the legislation to strengthen the agreement between NTSB and the Inspector General of the Department of Transportation. Yes,

even the NTSB needs oversight of its financial management and business operations and long ago concluded an agreement with the I.G. to undertake such activity. The authority we provide in this legislation will ensure that the money we invest in the board is well spent and that potential for fraud and abuse is reduced or eliminated.

Mr. Chairman, there are a number of other items that I would like to address, and in order to save time I ask unanimous consent to revise and extend. I would like to concentrate on just one issue and that is Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. The Coast Guard had just inspected the vessel, had ordered the owner to install bilge alarms, but it failed to ensure that the vessel owner had indeed complied with the Coast Guard order. Despite this apparent conflict of interest, the Coast Guard led the investigation of that accident. Under no circumstances should the Coast Guard or any Federal Government agency unilaterally decide when it has a conflict of interest and when it should investigate its own decision and its own actions. We do not allow this in aviation; we do not allow it in any other mode of transportation; and we should not allow it here.

I am concerned about the process of the Coast Guard in conducting accident investigations. The NTSB has told us that when the Coast Guard convenes a formal board of investigation, it is very difficult for the board to obtain information that the board can verify as accurate. The open nature of the formal Coast Guard board can also affect witness testimony or recollection of events because such proceedings allow witnesses to hear each others' testimony.

After discussing these concerns with Admiral Loy, the Commandant of the U.S. Coast Guard, we reached an understanding these issues could be addressed administratively without specific legislative change. Language included in the committee report to accompany H.R. 2910 is intended to provide guidance for both the Coast Guard and the NTSB to address these concerns. In short, we mean for them to get together and resolve the issue of primacy in an investigation and timing. If that issue is not resolved between the two, I assure both parties this committee will come back and address it legislatively.

All in all this is an excellent piece of legislation, it moves the cause of safety significantly ahead; it strengthens the role of the NTSB. I commend the gentleman from Tennessee (Mr. DUNCAN) for the extensive work that he has contributed to the formulation of this bill and to the ranking member, the gentleman from Illinois (Mr. LIPINSKI) for the diligent effort that he has invested in the formulation of the legislation.

Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety

Board Amendments Act of 1999. H.R. 2910 reauthorizes the NTSB for three years so it can continue to play a critical role in ensuring the safety of the United States transportation system.

This agency's roots stem as far back as 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigate aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the NTSB was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, in further resolve to ensure that NTSB retain its independence, Congress reestablished the Board as a totally separate entity distinct from DOT. Since that time, the NTSB has investigated more than 100,000 aviation accidents, and more than 10,000 surface transportation accidents. The American travelling public is much safer today due to the hard work of the NTSB staff in conducting investigations and pursuing safety recommendations.

In the last three years alone, the Board has investigated more than 7,000 accidents and issued 57 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials). The Board has also issued more than 1,100 safety recommendations—many of which have been adopted by Congress, federal, state and local governments, and the affected industries.

The NTSB's tireless efforts in investigating accidents and issuing recommendations have led to innovative safety enhancements, such as manual cutoff switches for airbags, to measures to prevent runway incursions, to countermeasures against operator fatigue in all modes of transportation. In addition, the NTSB has promoted the installation of more sophisticated voice recorders to enhance its ability to investigate aircraft accidents.

Despite a small workforce of approximately 370 full-time employees, the NTSB has provided its investigative expertise in thousands of complex aviation accidents—including its painstaking review of the TWA 800 crash. The NTSB is also frequently called upon to assist in aviation accident investigations in foreign countries. The demand upon this small agency, with its highly trained, professional staff, will only grow with the aviation market's ever-increasing globalization. In addition, according to a preliminary analysis by the RAND Corporation, new technological advances in all modes of transportation—from glass cockpits in aviation to sophisticated electronic alerting devices in the railroad industry—will require more extensive training for NTSB investigators.

To maintain its position as the world's pre-eminent investigative agency, it is imperative that the NTSB has the resources necessary to handle the increasingly complex accident investigations. H.R. 2910 ensures that by increasing NTSB's funding steadily and sensibly over the next three years: \$57 million in FY 2000; \$65 million in FY 2001; and \$72 million in FY 2002. This funding will be used to permit NTSB to hire more technical experts as well as to provide better training for its current workforce. Dramatic changes in technology demand such an investment.

However, with this increase in funding also comes the requirement to strengthen the oversight of financial matters at the agency. H.R.

2910 vests the DOT's Inspector General with the authority to review the financial management and business operations of the NTSB. This will help ensure that money is well spent and the potential for fraud and abuse is reduced. The DOT Inspector General's authority is specifically limited to financial matters, however, so as not to undermine the NTSB's independence.

Equally important, H.R. 2910 provides the NTSB with the authority to grant appropriate overtime pay to all of its accident investigators while on-scene. These competent individuals are oftentimes called upon to work upwards of 60, 70 or 80 hours per week in extreme conditions—whether in the swamps of the Florida everglades or the chilly waters off the Atlantic ocean—side-by-side with other federal agency investigators—many of whom are paid for extra hours worked. Moving to this type of parity is the least that we can do to show our appreciation for the efforts of these dedicated professionals.

As we have learned from the tragic TWA 800 crash, accident scenes can often be chaotic with many local, state, and federal investigative agencies on scene. This is especially true where accidents are not only being investigated for probable cause—but also when criminal activity is suspected. Proper coordination between these various investigative agencies performing very important, albeit very different, functions is of paramount importance. H.R. 2910 reaffirms NTSB's priority over an accident scene unless the Attorney General, in consultation with the NTSB chairman, determines that the accident may have been caused by an intentional criminal act. In that case, the NTSB would relinquish its priority over the scene—but such relinquishment will not, in any way, interfere with the Board's authority to continue its probable cause investigation.

One issue of concern to me is the NTSB's ability to investigate major marine casualties. Currently, both the NTSB and the Coast Guard have joint authority to conduct investigations of major marine casualties. I have two concerns about the current process. First, under the existing regulations and the Memorandum of Understanding, the Coast Guard must agree to allow the NTSB to have the lead in casualties that involve significant safety issues relating to Coast Guard safety functions.

On May 1, an amphibious vessel sank in Arkansas killing 13 people. Although the Coast Guard had just inspected the vessel and ordered the owner to install bilge alarms, it failed to ensure that the vessel owner complied with its order. Despite this apparent conflict of interest, the Coast Guard led the investigation. Under no circumstances should the Coast Guard be able to unilaterally decide when it has a conflict of interest. We do not allow this in aviation or any other transportation safety investigation and should not allow it here.

Second, I am concerned about the Coast Guard's process in conducting accident investigations. According to the NTSB, once the Coast Guard convenes a formal board of investigation, it is very difficult to obtain information that you can be sure is accurate. The open nature of the formal board can affect witness testimony or recollection of events because such proceedings allow for witnesses to hear each other's testimony.

After discussing these concerns with Admiral Loy, the Commandant of the Coast Guard,

it was agreed that both of these issues could be addressed administratively without a specific legislative change. Language included in the Committee Report to H.R. 2910 is intended to provide guidance to both Coast Guard and the NTSB to address these concerns.

Having a well funded, well-trained NTSB workforce to meet the challenges of the 21st Century is of the utmost importance for the American travelling public. I urge my colleagues to support this critical piece of legislation, and I compliment Chairman SHUSTER, Chairman DUNCAN and Ranking Member LIPINSKI for their efforts.

Mr. LIPINSKI. Mr. Chairman I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman for listening to the concerns that I have with respect to a series of incidences that have occurred actually in my district.

First of all, I want to associate myself with the supporters of this legislation. As I listened to the remarks of the gentleman from Minnesota (Mr. OBERSTAR), I am reminded of when the tragedies of any kind of transportation incident or accident occurs, you sort of look to the NTSB, the board, to come in like the Red Cross or those angels of assistance to clarify what happened and particularly if there is loss of life, and we always hear the news as they come in and there is a sigh of relief from the respective communities because, as my colleagues know, this group of experts will be assisting in determining the true facts of what occurred.

I would almost hope that I did not have to rise today, Mr. Chairman, but it has been enormously difficult for my community. I represent an urban community with a number of interstate routes that go throughout it, and particularly in my minority community.

I was to offer, or was intending to offer, an amendment today that would have asked that we look at or should include the National Transportation Safety Board's recommendation that I understand they had offered regarding recording devices in trucks.

□ 1145

That kind of device, similar to a black box in airplanes, could provide a tamper-proof mechanism that could be used or can be used for accident investigation and to enforce the hours of service regulation.

Mr. Chairman, I would like to speak to the issue of the accident aspect of that technology and would hope that maybe if it is not today, since I hope to be working with the members of this committee, that maybe we can look at the motor carrier bill and be able to include language on this particular issue.

Mr. Chairman, let me share with you a headline. "Jurors left in tears at wreck trial. Widow describes freeway horror," in my district. "In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing

her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp."

Mr. Chairman, it was a family made in heaven, if you will. Having picked up her husband from the airport, probably hearing the discussions of his travel, happily going home, and a truck turns a curve on an interstate freeway, falls over, the woman is expelled from the truck, and she has to watch her three young babies and her husband burn to death.

"Trucks-cars prove to be a deadly mix on freeways." Another one that happened on Interstate 45. A tanker truck veered into oncoming traffic and drivers across the city shuddered as a tragedy resulted in that accident as well.

I have had about 10 of these back to back during the summer. "Tanker rig flips, trucker perishes in fiery crash." This was an overpass that, in addition to the tragic loss of the trucker, as a witness said, "All I saw was the cab of the truck bounce and the whole thing rolled over." An eyewitness said the truck flipped and then burst into flames almost instantly. It is not only the terrible loss of the trucker's life, but the shutdown of that freeway for many, many, many months, thereby denying access of transportation to many of my constituents and the citizens of Houston.

Tanker truck firm sued in crash that killed infant and father, whose 5 year old son died in collision. It talks about the negligence. The collision killed 9-month-old Lisa Patrice Pete and half brother Jerry Andrew Morino.

I can only say, Mr. Chairman, that I think as we all acknowledge the importance of the National Transportation Safety Board and the importance, if you will, of its work in these amendments, I would hope that we also will look to some of the recommendations that they have made with respect to the technology of a recording device. It is important that we note whether or not in determining the accident as well, whether or not a trucker has been driving too long, whether or not there has been any falsification of records. I am going off on other issues that may have an impact on tragic accidents like this.

But the one thing I can tell you is when these trucks go through crowded urban areas, when they are going through cities, and I realize they have deadlines and responsibilities, Mr. Chairman, I would simply say to you that we must look to the protection of those residents that live in that area.

I hope this language that I would have offered could be language that we could consider. I understand it was a recommendation by the board. I would inquire of the gentleman from Illinois (Mr. LIPINSKI) about the opportunity to work with him to protect our communities.

Mr. Chairman, I rise to discuss my proposed amendment to H.R. 2910. Nearly 5,000 people

are killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

In Houston, Texas, a man (Kurt Groten) 38 years old and his three children David, 5, Madeline, 3, and Adam, 1, were killed in a horrific accident when a 18-wheel truck crashed into their vehicle. His wife was the only survivor of the crash, testified in criminal proceedings against the driver last week stating "I saw that there was a whole 18-wheeler on top of our car. . . . I remember standing there and screaming, 'My life is over! All of my children are dead!'"

In Galveston, a 5-year-old boy (Jerry Moreno and his 9-month old sister, (Lisa) were killed in an accident when the vehicle driven by their father was struck by an oncoming truck.

These are only a few examples of the thousand of terrible and fatal trucking accidents that are caused every year on our nation's roads and highways.

My amendment/resolution would require that data recorders similar to the black boxes found on airliners be carried in trucks. The NTSB has pushed for this technology as a means of verifying the hours drivers work since 1990. Currently truck drivers must comply with the federal government's 60-year-old rule that they take eight hours of rest for every 10 behind the wheel.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as "comic books." In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamper-proof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather than relying on the driver's handwritten logs.

Mr. Chairman, I know that the trucking industry is concerned by the added cost of the recorders. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy. But can we afford to put pocket before safety? Ask your selves where we would be without recorders in commercial aviation, rail, or the marine industry? I think that I have a good idea what the answer is, we would not know what caused that accident nor would we be able to learn from our mistakes.

Mr. Chairman, there is no good reason that we should not adhere the advice of the NTSB

and require these recorders on the trucks that navigate our highways. Putting our pockets before safety is simply foolish when the technology exists today which could save the lives of the constituents we represent.

Mr. Chairman, let us vote today to put action behind our discussion.

[From the Houston Chronicle, March, 18, 1999]

#### TRUCKS, CARS, PROVE TO BE A DEADLY MIX ON FREEWAYS

Big truck, little cars, nowhere to go.

It happened again Tuesday when three people died on Interstate 45-North. A tanker truck veered into oncoming traffic and drivers across the city shuddered.

Some were upset because of the mix of trucks and cars on area roadways. Others were mad because the stretch of freeway where the accident happened is notorious for crashes.

The collision is the latest in a string of well-publicized accidents involving trucks, such as the Feb. 12 Gulf Freeway crash that killed four.

Large trucks drive less than 5 percent of the vehicle-miles on Harris County roadways, according to the Houston-Galveston Area Council.

At fault or not, they are involved in 9 percent of the fatal collisions, according to the Texas Department of Public Safety statistics for 1995-97.

By comparison, passenger cars drive 70 percent of local miles traveled but were involved in only 63 percent of fatal collisions.

Several experts said that every accident is unique in terms of who deserves the blame. Cars have many more accidents per mile driven than trucks, but trucks cause more deaths when they do crash, because of their size and weight.

While the crash victims Tuesday couldn't escape the out-of-control truck, the experts said one thing often found in car-truck accidents is lack of understanding by car drivers of how much space a truck needs.

"The commercial driver is a trained driver. The person in a passenger car may know how his car handles, but he has no idea how a truck handles," said Pasadena police Sgt. Loni Robinson, who runs the city's truck inspection program.

An 18-wheeler cannot see tailgating drivers. At 55 mph, a fully loaded truck needs the length of a football field to make an emergency stop—twice as long as a passenger car going the same speed.

In Houston, when a responsible truck driver tries to leave extra room in front of his rig, several cars likely will zip in front of him and close up the space.

Even the best trucker will be forced to give up and drive too closely to a vehicle ahead, said B.L. Manry, safety director at Palletized Trucking of Houston and a national board member of the American Trucking Association's Safety Management Council.

Manry stressed that he is not an industry apologist. "Let's face it, there's a lot of out-laws out there," he said.

[From the Houston Chronicle, Sept. 29, 1999]

#### JURORS LEFT IN TEARS AT WRECKTRIAL/ WIDOW DESCRIBES FREEWAY HORROR (By Steve Brewer)

In tearful, highly charged testimony, a woman told Tuesday of the horror of seeing her husband and three children die after a truck crushed their sport utility vehicle on a Houston freeway ramp.

"I saw that there was a whole 18-wheeler on top of our car. . . . I remember standing there and screaming 'My life is over! All of

my children are dead!" Lisa Groten told jurors.

By the time the window finished testifying, many in the packed courtroom were sobbing. Tears welled in the eyes of at least two jurors.

Hers was the first testimony in the trial of Jose Coronado Martinez, 35, who is charged with four counts of intoxicated manslaughter in the deaths of Kurt David Groten, 38, and his children, David, 6, Madeleine, 4, and 11-month-old Adam.

If convicted, Martinez, a native of El Salvador, could get four consecutive 20-year sentences.

Lisa Groten has just picked her husband up at Hobby Airport the night of June 29, and had brought their children along, clad in their pajamas.

"I remember thinking, 'It's a pretty night out and there's no need to hurry home. We'll put the kids to bed when we get home,'" she testified.

Kurt Groten had been in Austin on a business trip. Lisa, after a busy day of swimming lessons reading and playing with the children, put them in the family's Ford Expedition to pick him up because they all wanted to see him so badly.

The couple married in 1987 and their first two children were the result of vitro fertilization and artificial insemination. Adam was conceived naturally.

Prosecutor Warren Diepraam said in his opening remarks that Kurt Groten had offered to take a taxi home that night, but his wife and the kids decided to pick him up instead.

The children had eaten at their favorite restaurant and were ready for bed when their father got behind the wheel at Hobby. Things got quiet after talk of the trip died down and Lisa Groten said she was looking forward to a quiet evening.

As they headed up an entrance ramp to U.S. 59, Lisa Groten looked at her husband.

"He had both hands on the wheel and I was watching his face," she said, "We were talking and I saw something through the windshield and I didn't know what it was . . . I felt the impact. It was like a crushing impact. I believe Kurt cried out. I remember saying, 'Kurt, we need to pray.'"

The impact was Martinez's truck falling into their Ford Expedition. Testimony later showed Martinez has swerved into Groten's lane, then swerved back into his own, causing the rig's load of office supplies to shift and tipping it over.

Breath tests later showed that Martinez, who was not hurt, had a blood-alcohol level of 0.12 exceeding the then-legal limit of 0.10.

Lisa Groten remembers saying again and again that the family must pray. Because her section of the Expedition was not completely crushed, Houston police Sgt. John Norwood was able to help her get out.

But her husband was hopelessly pinned. Lisa said she looked at the back of the car, but couldn't see her children, only the crumpled roof.

As the vehicle started to catch fire, she went back to the vehicle to be with her injured husband. She held his hand while he begged Norwood and others to rescue his children.

"He just kept saying, 'Jesus, please take me to heaven. Jesus, please take me to heaven,'" Lisa Groten said.

She was finally pulled away as the flames, fueled by the office supplies, kicked up and the smoke got dense. She said she didn't want to leave because her place was with her husband.

"It was so surreal. It shouldn't happen to anybody," she said. "I just kept thinking my husband and all my children died, just so fast like that," she testified. "It was just beyond my comprehension. It still is."

Despite the efforts of the police, tow truck drivers, passers-by, firefighters, and paramedics, Kurt Groten and the children couldn't be extracted from the burning vehicle in time.

Diepraam told jurors that Kurt Groten had died of smoke inhalation.

Postal worker Walter Wilson, who saw the accident and stopped to help, wept as he told jurors of hearing the children's cries and Kurt Groten's pleas for help.

"He was telling me to get his kids out," Wilson said.

But an explosion of flames stopped all those efforts, he said, and the children were quiet after a few seconds.

Testimony continues today in state District Judge Ted Poe's court. In opening arguments, Martinez's attorney, Jon A. Jaworski, said the crash was just a tragic accident and that police botched the investigation.

[From the Houston Chronicle, Sept. 27, 1999]  
TRIAL BEGINS FOR DRIVER IN FIERY CRASH/  
LAWYER, 3 CHILDREN DIED IN 18-WHEELER  
ACCIDENT

(By Steve Brewer)

Jury selection starts today in the trial of an accused drunken driver whose 18-wheeler killed a Houston lawyer and his three small children on June 29 when it crushed their sport utility vehicle.

Testimony in the case of Jose Coronado Martinez, 35, could start by Tuesday in state District Judge Ted Poe's court. Prosecutors are seeking a maximum of 80 years in prison for the native of El Salvador.

Both sides are expected to give jurors vastly different views of the fiery crash that shattered a local family in what has shaped up to be a complex, high-profile case.

Defense attorney Jon A. Jaworski said he will prove the tragedy was an unfortunate accident, that police botched the investigation and that his client is a scapegoat in a political game of revenge to get even with truckers who are often involved in freeway accidents.

Prosecutor Warren Diepraam scoffed at that and said he's sure jurors will find Martinez guilty of the four charges of intoxicated manslaughter that he faces.

"Their case is still, 'I'm the victim and I didn't do anything wrong.' We'll give him a chance to put up or shut up," Diepraam said. "I think the evidence is going to show to a rational jury who the real person at fault is and who the real victim is. It ain't Jose Martinez."

Martinez's truck, which was carrying a load of office supplies, crushed the Ford Expedition carrying the Groten family on an entrance ramp to U.S. 59.

Killed were Kurt David Groten, 38, and his children, David, 5, Madeleine, 3, and Adam, 1.

Kurt Groten's wife, Lisa Kay Groten, 36, was the only survivor. Diepraam said she will testify in the trial.

Lisa Groten had picked her husband up at Hobby Airport, and the family was en route home on the Gulf Freeway when the fatal crash occurred.

Police said Martinez's truck and the Groten's vehicle were side-by-side on the ramp.

Martinez was going too fast, lost control and his rig hit a guardrail, causing it to lift, police have said. As his tires came down, Martinez swerved and Kurt Groten honked at him.

But the swerve apparently caused Martinez's load to shift, making his truck tilt, all but crushing the Expedition, police said. Passers-by tried in vain to fight the ensuing blaze and pull the family from the burning wreckage.

Diepraam said Kurt Groten was yelling for them to save his children and that Martinez

staggered from his truck and was arrested after an officer smelled alcohol on him.

Two breath tests conducted later showed that Martinez's blood-alcohol level was 0.11 and 0.12 percent. At the time, a driver was considered legally drunk in Texas at 0.10.

The law has since changed and the standard is now 0.08. But in this case, the old mark will be used.

Jaworski said the official version of events has been obscured and that his client has been unfairly demonized.

"I think this is basically a case where they want to make an example of truck drivers that are causing accidents," Jaworski said. "This accident could have happened to anyone, whether there was alcohol involved or not . . . Unfortunately, the Grotenes were just in the wrong place at the wrong time."

Jaworski said his client was not speeding and that he was cut off by an unidentified driver who fled the scene. He said Martinez told that to a witness at the scene minutes after the accident.

Also, the machine used to conduct the breath tests was not working properly, Jaworski said, and police lied about Martinez's conduct after the crash.

Houston police also didn't follow proper procedure by not getting a blood sample from the defendant, said Jaworski, who acknowledged that his client had a "couple of beers" earlier that day.

Jaworski said Martinez tried to help the family, but was told to stay back by officers at the scene.

Martinez's truck and the trailer he was pulling was also in bad mechanical condition, Jaworski said. The trailer was loaded improperly and needed repair, and so did Martinez's rig.

Jaworski said he will rely on expert testimony to show the bad condition of the truck and he added that Martinez himself might even take the stand.

In addition to Groten's testimony and accounts from officers at the scene and others, Diepraam could also rely on expert testimony.

As for Jaworski's claims that the police lied or didn't follow proper procedure in the case, Diepraam said: "We'll have evidence to show that everything was working just fine, that there were no problems with the police investigation, the Intoxilyzer or the police officers, and that the only person who has a motive to lie is the defendant."

Diepraam also said he believes that any problems with the truck don't matter.

"If the truck was in perfect condition or wasn't working at all, he's the driver and he's responsible," Diepraam said. "That's what common sense says and that's what the law says."

If he's convicted, Martinez could get two to 20 years in prison and a \$10,000 fine for each charge. Because of the nature of the charges, Poe could make the terms run consecutively, in which case Martinez could be looking at a maximum total of 80 years in prison.

Diepraam has already filed a motion asking Poe to "stack" the sentences if Martinez is convicted.

If the jury makes an additional finding that Martinez's truck was used as a deadly weapon then that means he will have to serve half of the combined terms before being eligible for parole. For example, if he gets 80 years then it will be 40 years before he's eligible for parole.

That's the equivalent of a life sentence in a capital murder case.

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

Mr. Chairman, I would first of all like to hear from the gentleman from Tennessee (Mr. DUNCAN), the chairman

of the Subcommittee on Aviation, in regard to this matter.

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

Mr. LIPINSKI. I yield to the gentleman from Tennessee.

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

Mr. Chairman, we have had a discussion with the gentlewoman from Texas (Ms. JACKSON-LEE) about her concerns. I want to assure the gentlewoman that from our side that we certainly will work with her in every way possible, because all of us, I think on both sides of this House, want to do everything possible to improve truck safety, and especially in regard to trucks that are moving through heavily populated urban areas. So certainly we will try to do everything we can.

Mr. LIPINSKI. Mr. Chairman, reclaiming my time, I want to echo the statement of the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Chairman DUNCAN). I too will work and our staff will work very closely with the gentlewoman to see if we cannot work something out that is beneficial in the next bill we are going to be dealing with in regards to the Committee on Transportation and Infrastructure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will yield further, I am most grateful. I thank the chairman and the gentleman from Illinois, and my community thanks you very much.

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

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

Mr. Chairman, I have no further requests for time. Let me just say I understand the gentleman from New York (Mr. WEINER) is going to offer an amendment, and we are going to agree to this amendment concerning the installation of a doppler weather radar system in Brooklyn, New York. This provision was placed in this legislation because there was a dispute between the FAA and the Department of Interior, the Park Service, on the installation of this system.

We have been told that the Park Service and the FAA have now reached an agreement to go ahead and install this system. The staff had included this in the legislation just because of some uncertainty regarding a pending Federal lawsuit on this issue.

I will simply say this: we feel it is the intent of the Congress that this system should be installed there, and we will remove this provision at this time, reserving the right to revisit this issue if necessary in a conference with the Senate or at some later point if for some reason this agreement is not carried out.

With that said, Mr. Chairman, that we will agree to that change, we do have a good bill, a necessary bill, and I urge the support of the entire body for this reauthorization of the National Transportation Safety Board.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of H.R. 2910, the National Transportation Safety Board Amendments Act of 1999. I want to commend Aviation Subcommittee Chairman DUNCAN and Ranking Member LIPINSKI for the excellent work they have done in crafting this excellent piece of legislation. Having spent the better part of a year working with the National Transportation Safety Board on my own review of the TWA Flight 800 tragedy, I am familiar with the challenges facing the board.

H.R. 2910 includes a number of important provisions that will improve the NTSB's ability to deal with major airline accidents and work more efficiently with federal law enforcement agencies. The bill also clarifies that the board has the authority to enter into agreements with foreign governments to provide technical assistance and other services. I am also pleased that the committee report to accompany this legislation includes language making recommendations on how the NTSB can better improve coordination and cooperation with other parties in a major airline investigation.

I helped craft this language and hope to continue working with the NTSB to ensure that it has the resources it needs to do its job, and that it makes the best possible use of the specialized expertise that exists at companies like Boeing and Pratt Whitney. I would also like to thank the former chairman of the committee, Congressman Norm Mineta, for his assistance in this area. The commission that he chaired made a number of recommendations on how to improve the party system. The report language echoes the findings of the Mineta Commission.

Mr. Chairman, as I have several times in the past, I want to salute the dedicated professionals at the NTSB. Day in and day out, year after year, these remarkable public servants work long hours under trying conditions. Often their work is frustrating and extremely stressful. But because of their professionalism, commitment and talent, thousands of lives have been saved. For example, even though the Board has yet to determine the cause of the Flight 800 crash, the work that Board investigators have done on that accident investigation has forced the FAA and airline industry to make substantive changes, especially in the area of aircraft wiring and aircraft wiring inspection. These changes will make our skies safer.

Every American who flies owes the NTSB a debt of gratitude. I, for one, deeply appreciate the excellent work they have done and continue to do.

I urge approval of the bill.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 106-347 shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

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

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

#### **SECTION 1. SHORT TITLE; REFERENCES.**

(a) **SHORT TITLE.**—This Act may be cited as the "National Transportation Safety Board Amendments Act of 1999".

(b) **REFERENCES.**—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

#### **SEC. 2. DEFINITIONS.**

Section 1101 is amended to read as follows:

##### **"§1101. Definitions**

"Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term 'accident' includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise."

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

#### **SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.**

(a) **IN GENERAL.**—Section 1113(b)(1)(I) is amended to read as follows:

"(I) negotiate and enter into agreements with private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of technical services or training in accident investigation theory and technique, and require that such entities provide appropriate consideration for the reasonable costs of any goods, services, or training provided by the Board."

(b) **DEPOSIT OF AMOUNTS.**—Section 1114(a) is amended—

(1) by inserting "(1)" before "Except"; and

(2) by adding at the end the following:

"(2) The Board shall deposit in the Treasury amounts received under paragraph (1). Such amounts shall be available to the Board as provided in appropriations Acts."

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

#### **SEC. 4. OVERTIME PAY.**

Section 1113 is amended by adding at the end the following:

"(g) **OVERTIME PAY.**—

"(1) **IN GENERAL.**—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS-10 of the General Schedule,



the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

**(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.**—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

**(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.**—The Board may not make overtime payments under paragraph (1), for work performed in a calendar year, in a total amount that exceeds \$570,000.

**(4) BASIC PAY DEFINED.**—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

**(5) ANNUAL REPORT.**—Not later than January 31, 2001, and annually thereafter, the Board shall transmit to Congress a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year and the number of employees whose overtime pay under this subsection was limited in such fiscal year as a result of the 15 percent limit established by paragraph (2)."

The CHAIRMAN. Are there any amendments to section 4?

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

#### SEC. 5. RECORDERS.

(a) **COCKPIT VIDEO RECORDINGS.**—Section 1114(c) is amended—

(1) in the subsection heading by striking "VOICE";

(2) in paragraphs (1) and (2) by striking "cockpit voice recorder" and inserting "cockpit voice or video recorder"; and

(3) in the second sentence of paragraph (1) by inserting "or any written depiction of visual information" after "transcript".

(b) **SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.**—

(1) **IN GENERAL.**—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

"(d) **SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.**—

"(1) **CONFIDENTIALITY OF RECORDINGS.**—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

"(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

"(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

"(2) **REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.**—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations."

(2) **CONFORMING AMENDMENT.**—The first sentence of section 1114(a) is amended by striking "and (e)" and inserting "(d), and (f)".

(c) **DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.**—

(1) **IN GENERAL.**—Section 1154 is amended—

(A) in the section heading by striking "cockpit voice and other material" and inserting "cockpit and surface vehicle recordings and transcripts";

(B) in subsection (a)—

(i) by striking "cockpit voice recorder" each place it appears and inserting "cockpit or surface vehicle recorder";

(ii) by striking "section 1114(c)" each place it appears and inserting "section 1114(c) or 1114(d)"; and

(iii) by adding at the end the following:

"(6) In this subsection—

"(A) the term 'recorder' means a voice or video recorder; and

"(B) the term 'transcript' includes any written depiction of visual information obtained from a video recorder."

(2) **CONFORMING AMENDMENT.**—The table of sections for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

"1154. **Discovery and use of cockpit and surface vehicle recordings and transcripts.**"

(d) **REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.**—Section 329 is amended by adding at the end the following:

"(e) **REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.**—A requirement for the installation and use of an automatic voice, video, or data recording device on an aircraft, vessel, or surface vehicle shall not be construed to be the collection of information for the purpose of any Federal law or regulation, if the requirement—

"(1) meets a safety need for the automatic recording of real-time voice or data experience that is restricted to a fixed period of the most recent operation of the aircraft, vessel, or surface vehicle;

"(2) does not place a periodic reporting burden on any person; and

"(3) does not necessitate the collection and preservation of data separate from the device."

#### SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) **IN GENERAL.**—Section 1131(a)(2) is amended—

(1) by striking "(2) An investigation" and inserting "(2)(A) Subject to the requirements of this paragraph, an investigation"; and

(2) by adding at the end the following:

"(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

"(C) If a law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under paragraph (1)(A)–(D) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved."

(b) **REVISION OF 1977 AGREEMENT.**—Not later than 1 year after the date of enactment of this

Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

#### SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking "1134(b)(2)" and inserting "1134(a), (b), (d), and (f)".

#### SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.

(a) **IN GENERAL.**—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

##### "§ 1137. Authority of the Inspector General

"(a) **IN GENERAL.**—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

"(b) **DUTIES.**—In carrying out this section, the Inspector General shall—

"(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

"(2) issue findings and recommendations for actions to address such problems; and

"(3) report periodically to Congress on any progress made in implementing actions to address such problems.

"(c) **ACCESS TO INFORMATION.**—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(d) **REIMBURSEMENT.**—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section."

(b) **CONFORMING AMENDMENT.**—The table of sections for such subchapter is amended by adding at the end the following:

"1137. Authority of the Inspector General."

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) is amended to read as follows:

"(a) **IN GENERAL.**—There is authorized to be appropriated for the purposes of this chapter \$57,000,000 for fiscal year 2000, \$65,000,000 for fiscal year 2001, and \$72,000,000 for fiscal year 2002. Such sums remain available until expended."

#### SEC. 10. TERMINAL DOPPLER WEATHER RADAR.

If the Administrator of the Federal Aviation Administration determines that it would enhance aviation safety, the Administrator shall install a Terminal Doppler Weather Radar at the site of the former United States Coast Guard Air Station Brooklyn at Floyd Bennett Field in King's County, New York.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Strike section 10 of the bill, relating to terminal doppler weather radar.

Mr. WEINER. Mr. Chairman, I first want to thank the chairman of the Subcommittee on Aviation and ranking member for the fine work that they have done on this bill. This is a piece of legislation that doubtlessly will not earn front page notice in our newspapers around the country, but the fine work that has been done by the subcommittee in ensuring the safety of

travelers around the country should not go unnoticed, and this bill is indeed worthy of the full House's support.

Mr. Chairman, I will not take my full time. I just want to thank the chairman for his previous statement and for his understanding of the situation. This is an instance where the drafting of the bill had been overtaken by events on what is admittedly a controversial issue.

I agree 100 percent that there should be a terminal doppler radar installed to serve the New York City area, the Kennedy and LaGuardia Airports. That is something that I think my constituents and all New Yorkers and travelers around the world support. I am hopeful and confident that the way has been cleared for a way to install that doppler radar in a quick and expeditious fashion.

My amendment simply strikes the section of the bill that predates an agreement that was entered into between Interior and the FAA that was mediated by the Council on Environmental Quality.

Again, I want to thank very much the chairman of the subcommittee and the ranking member for their understanding in this matter.

Mr. DUNCAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as I stated earlier, we feel this system should be installed to enhance the safety of the traveling public, particularly into Kennedy and LaGuardia Airports. We agree to this amendment.

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

Mr. Chairman, I want to simply state that from our side of the aisle, we also agree that we will accept this amendment. I spoke to the gentleman from Tennessee (Chairman DUNCAN) about this amendment. I appreciate very much his cooperation in removing this language from the bill by accepting the amendment.

I want to say also, as the gentleman from Tennessee (Chairman DUNCAN) mentioned, and I concur with him, in the event that everything does not develop the way we anticipate it developing pertaining to this doppler weather system, we do reserve the right to revisit this issue when we get to conference or some other time before the bill actually comes back to be passed into law.

Based upon my observance over here, I do not think we have any further amendments coming forth, and I think we are very close to passing this bill. So in getting to that point, I want to say that it is always a pleasure working with the gentleman from Tennessee (Chairman DUNCAN). He and I get along very well together. He is very cooperative.

I appreciate also the cooperation of the gentleman from Pennsylvania (Chairman SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and, once again, the staff of the Subcommittee

on Aviation, I believe, has done an outstanding job; and I want to express my personal appreciation to each one of them for everything that they have done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROGAN) having resumed the chair, Mr. BARRETT of Nebraska, 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. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002, and for other purposes, pursuant to House Resolution 312, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. DUNCAN. 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 420, nays 4, not voting 9, as follows:

[Roll No. 462]

YEAS—420

Abercrombie  
Ackerman  
Aderholt  
Allen  
Andrews  
Archer

Armey  
Bachus  
Baird  
Baker  
Baldacci  
Baldwin

Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett

Barton  
Bass  
Bateman  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggart  
Billbray  
Billirakis  
Bishop  
Blagojevich  
Bliley  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Brown (OH)  
Bryant  
Burr  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Capuano  
Cardin  
Carson  
Castle  
Chabot  
Chambliss  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crowley  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing

Farr  
Fattah  
Filner  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Fowler  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green (TX)  
Green (WI)  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill (IN)  
Hill (MT)  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inslee  
Isakson  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
John  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Klecza  
Klink  
Knollenberg  
Kolbe  
Kucinich  
Kuykendall  
LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Larson  
Latham

LaTourette  
Lazio  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Metcalfe  
Mica  
Millender-  
McDonald  
Miller (FL)  
Miller, Gary  
Miller, George  
Minge  
Mink  
Moakley  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Ose  
Owens  
Oxley  
Packard  
Pallone  
Pascrell  
Pastor  
Payne  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Reyes  
Reynolds



Riley	Simpson	Tiahrt
Rivers	Sisisky	Tierney
Rodriguez	Skeen	Toomey
Roemer	Skelton	Towns
Rogan	Slaughter	Traficant
Rogers	Smith (MI)	Turner
Rohrabacher	Smith (NJ)	Udall (CO)
Ros-Lehtinen	Smith (TX)	Udall (NM)
Rothman	Smith (WA)	Upton
Roukema	Snyder	Velazquez
Roybal-Allard	Souder	Vento
Royce	Spence	Visclosky
Rush	Spratt	Vitter
Ryan (WI)	Stabenow	Walden
Ryun (KS)	Stark	Walsh
Sabo	Stearns	Wamp
Salmon	Stenholm	Waters
Sanchez	Strickland	Watkins
Sanders	Stump	Watt (NC)
Sandlin	Stupak	Watts (OK)
Sawyer	Sununu	Waxman
Saxton	Sweeney	Weiner
Schaffer	Talent	Weldon (FL)
Schakowsky	Tancred	Weldon (PA)
Scott	Tanner	Weller
Sensenbrenner	Tauscher	Wexler
Serrano	Tauzin	Weyand
Sessions	Taylor (MS)	Whitfield
Shadegg	Taylor (NC)	Wicker
Shaw	Terry	Wilson
Shays	Thomas	Wolf
Sherman	Thompson (CA)	Woolsey
Sherwood	Thompson (MS)	Wynn
Shimkus	Thornberry	Young (AK)
Shows	Thune	Young (FL)
Shuster	Thurman	

## NAYS—4

Chenoweth	Paul
Coburn	Sanford

## NOT VOTING—9

Becerra	Hoolley	Scarborough
Boyd	Jefferson	Wise
Burton	Meeks (NY)	Wu

□ 1223

Mr. GREEN of Texas and Mr. STEARNS changed their vote from "nay" to "yea".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### UNBORN VICTIMS OF VIOLENCE ACT OF 1999

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 313 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 313

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2436) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(b) of the rule XIII are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. 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 the Judiciary 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. Each amendment may be offered only in the order 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, 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 15 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 recommend with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER); 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.

Yesterday, the Committee on Rules met and granted a structured rule for H.R. 2436, the Unborn Victims of Violence Act. The rule waives points of order against consideration of the bill for failure to comply with 3(b) of rule XIII, requiring the inclusion in the report of any record votes on a motion to report, or on any amendment to a bill reported from committee.

The rule provides 2 hours of general debate equally divided among the chairman and ranking minority Member of the Committee on Judiciary.

The rule makes in order the Committee on Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment, which shall be considered as read. The rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution.

The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report and 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, and shall not be subject to amendment, shall not be subject to the demand for a division of the question in the House or in the Committee of the Whole.

The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

This is a fair rule which will permit thorough discussion of all of the relevant issues. Indeed, after 2 hours of debate and consideration of the Democrat substitute amendment, we will be more than ready to vote on H.R. 2436. This is not a complex issue.

Mr. Speaker, on September 12, 1996 Gregory Robbins, an Air Force enlisted man wrapped his fist in a T-shirt and brutally beat his pregnant 18-year-old wife. Soon after, his young wife gave birth to a stillborn 8-month-old fetus.

To their surprise and disappointment, the Air Force prosecutors concluded that, although they could charge Gregory Robbins with simple assault, they could not charge him in the death of the couple's child. Why? Because Federal murder laws do not recognize the unborn.

□ 1230

A criminal can beat a pregnant woman in her stomach to kill the baby and the law ignores her pregnancy. This is wrong and it has to be stopped.

Fortunately, 24 States have adopted laws that protect pregnant women from assaults by abusive boyfriends and husbands, and now it is time for the Federal Government to do the same.

The Unborn Victims of Violence Act would make it a Federal crime to attack a pregnant woman in order to kill or injure her fetus. The bill would apply only in cases where the underlying assault is, in and of itself, a Federal crime, such as attacks by military personnel or attacks on Federal property.

This bill, introduced by my good friend, the gentleman from South Carolina (Mr. GRAHAM), should have the support of everyone in Congress, whether they are pro-life, such as myself, or pro-choice. We should all agree to protect young women from forced, cruel, and painful abortions.

All we have to do is ask the woman who just lost her child after a violent attack. It is not the same thing as a simple assault. Clearly, it is more serious and more emotionally jarring, and it should be treated accordingly.

Just a few months ago, in Charlotte, North Carolina, we had a man murder his pregnant wife in a child custody dispute. The incident would not have been covered by H.R. 2436, it would be covered by the State law, but it is a reminder that we are talking about a