HOUSE OF REPRESENTATIVES—*Thursday, June 7, 1984*

The House met at 11 a.m.

The SPEAKER. Today we have the distinct honor of having a guest chaplain, who happens to be the father-in-law of one of our Congressmen, Congressman DARDEN of Georgia.

The Chair presents to the Members the Reverend Dr. W. C. Budd, retired district superintendent, Atlanta-Marietta Methodist Churches, Atlanta, Ga.

The Reverend Warren Candler Budd, D.D., offered the following prayer:

Dear Lord and Father of mankind, forgive our foolish ways.

Reclothe us in our rightful mind, in purer lives Thy service find, in deeper reverence, praise.

We praise Thee, O Giver of all good gifts, for the ability to be still and recognize Thy crystal voice from all the raucous voices of life. Place in the center of our minds the cardinal truth that we should begin, continue, and end each day in Thy presence.

We thank Thee for the temperance, fortitude, prudence, and justice which are reflected in the discussions and decisions of this House. May the Members of this body continue to keep rancor from their midst. May we strive for the day when peace covers the Earth as water covers the sea. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MACK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. MACK. 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. 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 357, nays 38, answered "present" 4, not voting 34, as follows:

[Roll No. 217]

YEAS—357

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Broomfield
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clinger
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IL)
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Watkins
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NAYS—38

Berman
Brown (CO)
Chappie
Clay
Coats
Coleman (MO)
Coughlin
Dannemeyer
Dickinson
Durbin
Emerson
Evans (IA)
Fields
Gekas
Goodling
Hansen (UT)
Harkin
Hawkins
Hayes
Holt
Jacobs
Lewis (CA)
Miller (OH)
Mitchell
Murphy
Penny
Roberts
Roemer
Sabo
Schroeder
Sikorski
Smith, Denny
Smith, Robert
Solomon
Walker
Waxman
Whittaker
Young (AK)

ANSWERED "PRESENT"—4

Dymally
Oberstar
St Germain
Weber

NOT VOTING—34

Applegate
Badham
Brooks
Brown (CA)
Coelho
Conyers
Crockett
Dixon
Fascell
Ford (MI)
Ford (TN)
Gejdenson
Gingrich
Hansen (ID)
Harrison
Heftel
Leland
Lloyd
Martin (NC)
Martin (NY)
Mavroules
McCain
Michel
Ottinger
Pashayan
Rodino
Savage
Sensenbrenner
Shannon
Smith (NJ)
Studds
Udall
Vander Jagt
Walgren

□ 1120

So the Journal was approved.

The result of the vote was announced as above recorded.

DR. WARREN CANDLER BUDD

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. DARDEN. Mr. Speaker, our guest chaplain this morning is one of the most distinguished and beloved United Methodist Ministers in this Nation. Dr. Warren Candler Budd has been a member of the North Georgia Conference for 50 years. A fourth generation Methodist minister, Dr. Budd was born in Missouri, reared in Alabama, and received his A.B. and B.D. degrees from Duke University.

In 1955, he received the degree of doctor of divinity from Lagrange College.

Dr. Budd has held many prominent pastorates in north Georgia and the Atlanta area, including First United Methodist Church of Hapeville, Glenn Memorial United Methodist Church on the campus of historic Emory University and Northside United Methodist Church. He also served as district superintendent of the Atlanta-Marietta District and executive secretary of the board of pensions.

A pioneer in the field of housing and medical care for the elderly, Dr. Budd was the cofounder and first chairman of the board of Wesley Homes, Inc. A health care facility on the campus, Budd Terrace, is named in his honor. Dr. Budd's concept had led the establishment of nine such comprehensive housing and health care facilities for the elderly by the United Methodist Church throughout the State of Georgia.

With Dr. Budd's support a new hospital exclusively for the treatment of the elderly will soon be constructed on the campus of Emory University. This hospital will be the first of its kind in the country to specialize in gerontology.

Perhaps Dr. Budd's greatest asset throughout his distinguished career has been his charming and energetic wife, Dorothy. An accomplished musician and teaching professional, Mrs. Budd has been a solid foundation of dedication and support for his outstanding achievements.

Dr. and Mrs. Budd have four children, Warren Candler Budd, Jr., David Otis Budd, Dorothy Sue Budd, and Lillian Budd Darden, who also happens to be my wife. He is the son of a distinguished Methodist minister, John Williams Budd and Susie Clark Budd.

Perhaps he is proudest of all though of his seven grandchildren, Lillian Christine Darden, George W. Darden, IV, Evelyn Courtenay Budd, Dorothy Rountree Budd, Warren Candler Budd III, Andrew Bryant Budd, and James Wesley Budd.

Mr. Speaker, thank you for permitting Dr. Budd to be our guest chaplain and for his warm reception by this body.

WHAT DOES IT TAKE TO DEMONSTRATE INJURY, ITC?

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

Mr. DANIEL. Mr. Speaker, I am appalled at the decision announced yesterday by the International Trade Commission with respect to imported nonrubber footwear.

I believe the footwear manufacturers of America have made significant strides in improving their ability to compete against almost impossible odds. There was real reason to hope for a turnaround in this industry. Until yesterday. Now, with success within sight, they are being cut down. The unanimous decision indicates to this Member that the ITC did not give full and fair consideration to this segment of our economy. What does it take, Mr. Speaker, to show injury?

ICE CREAM—IT'S JUST PLAIN GOOD

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

Mr. DE LA GARZA. Mr. Speaker, I have introduced a resolution declaring July Ice Cream Month and July 15 as Ice Cream Day.

I would invite my colleagues to join with me, if you have not already signed the resolution. Ice cream is good for you.

If you feel dejected or frustrated, eat ice cream; if the legislative processes frustrate you, eat ice cream; if you are happy and want to celebrate, eat ice cream. Not only will you help an industry and American workers but it is good, it is just plain good.

□ 1130

TIME FOR CONGRESS TO ACT TO REDUCE DEFICITS

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

Mr. JONES of Oklahoma. Mr. Speaker, now is the time for the Congress to act to reduce deficits which undermine our economy.

Time is short and the stakes are high. When the Congress returns from the Independence Day break, Presidential politics will dominate the agenda.

What is to be accomplished must be accomplished this month. We have 3 weeks.

If we fail to complete the deficit reduction package by that deadline, the impact on U.S. interest rates could be catastrophic. Therefore, I pledge to do everything in my power to complete work on the most effective possible action to cut spending, raise revenues, and reduce deficits.

But time grows short. Today, I will appoint the House conferees on the budget resolution. This is where we control discretionary spending. I will seek to go to conference this very afternoon. If the Senate is unable to meet this afternoon, I will seek to begin conference on Monday.

This Congress must set spending levels and cut the deficit quickly or we place at risk the entire world economic structure. We must deal with substance, not with political posturing.

The House desires to act quickly, effectively and fairly. We have been waiting for the Senate for more than 2 months. We will wait no more.

Our goal—all our goals—must be to meet the pressing needs of the American economy. None among us should place partisan advantage above the common good.

RECONCILIATION CONFERENCE UPDATE

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

Mr. PANETTA. Mr. Speaker, this week the conference on the House and Senate reconciliation bills will begin in earnest. Twelve subconferences involving over 120 conferees and 16 House and Senate committees will be meeting to work out a compromise package on 3-year spending cuts and revenue increases totaling over $60 billion.

Yesterday progress was made in two subconferences—subconference one, on tax legislation, and subconference six, dealing with Federal and civilian retirement issues. This morning the Ways and Means and Senate Finance Committee will meet again on revenues.

Shown below are the 12 subconferences, a list of the committees involved, and the major issue areas on which they will be meeting.

Subconference	House committees	Senate committees	Issues
1	Ways and Means	Finance, Budget	Taxes.
2	Energy and Commerce, Budget.	do	Medicaid/CHAP.
3	Ways and Means, Budget.	do	Medicare pt. A, SSI, AFDC, Grace Commission.
4	Ways and Means, Energy and Commerce, Budget.	do	Medicare pt. B.
5	Appropriations, Rules, Budget.	Appropriations, Governmental Affairs, Budget.	Appropriations cap.
6	Post Office and Civil Service, Armed Services, Judiciary, Budget.	Governmental Affairs, Budget.	Federal retirement.
7	Armed Services, Government Operations, Budget.	Armed Services, Governmental Affairs, Budget.	Procurement/competitive contracting.
8	Banking, Budget	Banking, Budget	Federal credit union insurance premiums.

Subconference	House committees	Senate committees	Issues
9	Small Business, Budget.	Budget	Small business disaster loans.
10	Veterans' Affairs, Budget.	Veterans' Affairs, Budget.	Veterans' issues.
11	Government Operations, Budget.	Governmental Affairs, Budget.	Miscellaneous.
12	Budget	Budget	Do.

It is our hope that the conference will be able to complete action by midmonth. For the benefit of the Members, I will be updating our progress on the conference in the days and weeks to come.

THE 40TH ANNIVERSARY OF LANDINGS ON NORMANDY

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I rise today to share with my colleagues a very moving experience that 17 of our colleagues have experienced over the last 3 days.

We were privileged to accompnay the chairman of the Veterans' Committee to Normandy to join in with many of our veterans, many of our military, and many of our Americans to commend the 40th anniversary of the landings on Normandy.

Those of us who had this opportunity have been very emotionally drained. We were given the privilege to meet with General Collins, General Van Fleet and General Gavin, those great leaders who took our troops ashore.

We were given an opportunity to visit Normandy and Utah, Ste Mere Eglise, to watch the Rangers once again scale the cliffs at Pointe du Hoc. We finally climaxed yesterday afternoon with a very moving ceremony in the cemetery where we have left over 9,000 of our comrades at rest.

As one individual told me as we were leaving the cemetery, if they live to be 100, they will never have an experience like this.

I think we should all be so terribly thankful that we have those veterans who have come back, that we have those veterans that have laid to rest, but we should also be so terribly thankful that we have an America that stands up for what we know is right and protects us as it has.

LEGISLATION TO EXPAND BENEFIT PROTECTIONS FOR FORMER CIA SPOUSES

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

Mr. MAZZOLI. Mr. Speaker, today, joined by my colleague, the gentleman from Virginia (Mr. WHITEHURST), I am introducing legislation to provide an annuity to former Central Intelligence Agency (CIA) spouses who were divorced prior to the effective date of the CIA Spouses Retirement Equity Act of 1982—Public Law 97-269.

The 1982 statute, which allowed spouses who had been married to CIA officers for at least 10 years to obtain pension benefits in a divorce settlement, applied only prospectively. This was so because benefits awarded by the court in a divorce decree reduced the amount of the employee spouse's pension.

The legislation we introduce today would provide a small annuity payable directly from Treasury funds—not from the retirement and disability fund—to approximately 65 women who did not qualify for coverage under Public Law 97-269.

Our bill recognizes that these, mostly older, former spouses are no less entitled to recognition than their younger colleagues who qualified for assistance under the earlier bill. They have performed valuable and sometimes dangerous services for the United States, the nature of which has prevented them from acquiring job skills and earning pension rights in their own behalf.

Our bill would also readmit former CIA spouses to the Federal employee health benefits program, from which they were excluded at the time of divorce, upon payment of a sum equal to the Agency and employee share of the health plan premium.

These benefits are particularly important to older spouses because age and health problems often acquired abroad, render private health insurance exorbitantly expensive and in some cases completely unavailable.

I hope action on our measure is swift and uncomplicated.

IMMIGRATION LEGISLATION: VOTE FOR THE RULE

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

Mr. GLICKMAN. Mr. Speaker, next week we will take up a very controversial bill, the immigration bill. The bill is controversial because the problems that it is trying to solve are also very controversial.

But I come down here today to urge my colleagues to vote for the rule. The rule on this bill will be open. In fact, it is probably going to be one of the most open rules I have ever seen since I have been in Congress. Every idea is permitted to be challenged. There will be amendments on employer sanctions, amendments on legalization, amendments on temporary workers. Members will have their chance to come down here and express their opinion on every part of this issue.

The issue of immigration will not go away. If we do not take it up next week the problems will be harder to resolve next year and the following year.

It is time to consider this bill. I understand there is a subterranean effort to try to kill the rule as a way to not deal with this bill. I think that is a very, very bad idea.

I would like to finally pay tribute to our colleague from Kentucky (Mr. MAZZOLI). He has dealt with an issue that is the most unpolitically sexy issue since I have been in this Congress, has shouldered this burden all by himself.

□ 1140

It is not to anybody's political advantage to be a proponent of the immigration bill, although it is one of the more serious problems we face, and I think Mr. MAZZOLI deserves credit for keeping this issue at the forefront of the policy issues we debate today.

NICARAGUA

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

Mr. FOGLIETTA. Mr. Speaker, the pleasantly surprising and unexpected stopover of Secretary of State Shultz in Nicaragua is an encouraging first act by the administration in its struggle with the Sandinistas. Although the time for direct, high level meetings between the United States and Nicaragua came long ago, clearly it is not too late to begin now. Our enthusiasm for Mr. Shultz' initiative must, however, be tempered by caution.

The Congress and the American people have good reason to be skeptical of any sudden move toward a rapprochement with the Nicaraguans by the administration. Less than 1 month ago, the President referred to the Sandinista Government as "a Communist reign of terror." The New York Times has suggested that the opening of a dialog with the President of Nicaragua, Daniel Ortega, is linked to this body's refusal to fund the CIA backed Contra rebels. "With talks underway," the Times wrote, "the White House can contend that ending American support for the secret war robs Mr. Reagan of a vital bargaining card."

If the administration is serious about reducing tensions in the Central American region, it will find many willing partners, including Congress and the Contadora group. But the White House should not mistake this body's resolve on the issue of funding the Contra rebels. No White House action should allow this body to rationalize the resumption of assistance to the Contras. The road to peace in Central America lies not through threats of force, but through rational negotiations.

INTEREST RATES

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

Mr. TAUZIN. Mr. Speaker, recently Members of this body and I met with members of the German Bundestag in Austria. One of those members was in the process of buying a new home in the Federal Republic. I took the liberty of asking him what his interest rates on his new home were going to look like. He indicated to me between 6 and 8 percent. He also indicated to me that in the Federal Republic of Germany, members of the community save as much as 15 percent of their disposable income per year. That compares to 4.8 percent in America, the lowest savings rate since 1949.

It is time we learn a lesson from our good German friends. It is time we pass legislation to encourage Americans to save again. H.R. 5678 accomplishes that result by giving tax-free interest to Americans who save in low-interest passbook savings accounts, to encourage again low-interest rates in America. It is time we pass such good legislation.

TRIBUTE TO BERKLEY BEDELL FOR A JOB WELL DONE

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

Mr. ROEMER. Mr. Speaker, too often, by the very nature of legislation, we deal with each other one on one in kind of a negative or adversarial relationship. Often when we say something positive about someone we wait until that someone is about to leave or has left us.

I would like to reverse that today, if I could, and say something kind, personally kind, in appreciation for a Member of this body who did a good job last week, a great job I think, on the armed services bill, the Department of Defense bill, and I am talking about our colleague from Iowa, BERKLEY BEDELL.

BERKLEY is not a member of that committee, and he suffered some anguish and some defeat from a few members because of that fact. But he tried time and time again to require the Pentagon to improve the bidding process so that small businesses could take part in Defense contracts, and even went so far as to suggest that architects' and engineers' fees might be considered as part of this defense reform process.

Now, BERKLEY did not win them all, but one Member would like to thank him for a job well done, and warn those who opposed him last week: I do not think he is through yet.

Thanks, BERKLEY.

H.R. 5145, THE HUMAN SERVICES AMENDMENTS OF 1984

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

Mr. PETRI. Mr. Speaker, as the ranking Republican member of the subcommittee having jurisdiction over H.R. 5145, I urge all Members to vote against passing this bill under suspension of the rules today. While this bill contains many good features, it is simply too costly and controversial to consider on suspension.

This bill authorizes appropriations of some $8 billion for a variety of Human Services programs. Such a major appropriation of public funds deserves closer scrutiny than is permitted by the suspension process.

In addition, H.R. 5145 contains many controversial features that merit full debate by this body through the consideration of amendments. Perhaps the most glaring such feature is its early reauthorization of the Community Services Block Grant Act, which does not expire for 2 years. I would like to offer an amendment to H.R. 5145 to avoid the premature reauthorization of that block grant program so that my subcommittee can conduct a more detailed review of its operation. Unfortunately, the procedures used here today foreclose such an amendment.

When spending tax dollars, we owe it to our constituents to consider all reasonable amendments. I look forward to addressing the various components of this bill on their individual merits under an open rule later this month. Therefore, I urge you to vote against suspending the House rules for passing H.R. 5145.

FOOTWEAR PETITION FOR IMPORT RELIEF

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, yesterday the International Trade Commission rejected the petition filed by our domestic shoe industry and its workers for relief from the onslaught of imported shoes. The petition was unanimously opposed, an action I find shocking, unjustified, and senseless.

It is, frankly, disbelieving that the ITC has denied the petition based on the belief that the industry has shown sufficient profitability and productivity since the Orderly Marketing Agreements were lifted in 1981.

The Commission considered three questions in its decision—and to me the answers are clear. Are imports of nonrubber footwear increasing? Yes. Is the domestic industry seriously injured or threatened with serious injury? Yes. Are increased imports a substantial cause of serious injury? Yes.

Since the ITC refuses to either acknowledge or alleviate this travesty, I have introduced legislation which will protect our domestic shoe industry because administrative remedies have obviously failed. My bill is a straightforward solution—it imposes a ceiling on foreign shoes to no more than 50 percent of the American market—setting a cap at 400 million pairs yearly.

Finding no injury is astonishing where an industry is suffering 17.3-percent unemployment, where domestic production has dropped more than 50 percent during the past 15 years, where half the workers employed have lost their jobs, and where import penetration has reached 74 percent. As the Commission clearly refuses responsibility of protecting our shoe industry from unfair trade practices, I, along with many of my colleagues, have accepted that task and will be working to insure its future.

THE STRUGGLE OF THE MISKITO INDIANS OF NICARAGUA

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

Mr. LIVINGSTON. Mr. Speaker, on Tuesday several of us met with Mr. Steadman Fagoth, the leader of the Miskito Indians of Nicaragua, who told us of the struggle of his people against the Sandinista regime, which has methodically burned Indian villages, expropriated Indian land, and killed Indian boys who dare to defend their desire for freedom.

Worse, Mr. Speaker, Mr. Fagoth reminded us that his struggle against Communist Sandinista oppression is being made without the help of the United States. Consequently, freedom fighters are dying in battle and refugee children, Indian children displaced from their villages by the Sandinistas, are starving to death.

While this Congress refuses to provide even humanitarian aid, the Soviet Union continues to pour military hardware into the Sandinista war machine. Tuesday's Washington Times reports that Communist bloc shipments arrived in Nicaragua in the last few weeks, including 40 T-54/55 medium tanks, 40 armored personnel carriers, and 100 SA-7 surface-to-air missiles.

Total arms shipments this year amount to 11,000 metric tons, twice that of the previous year.

Mr. Speaker, our failure to rally behind the Nicaraguan freedom fighters while people are dying by the hundreds because of Sandinista oppression is criminal.

H.R. 5504 UNFAIR TO RURAL STATES

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, today the House will consider legislation to fund highway construction and repair programs across the Nation. As currently proposed, the bill would have a devastating impact on the highway programs in my State of Nebraska.

Because the bill eliminates the distance factor in the allocation formula for 4R interstate funds, Nebraska stands to lose more than $2½ million in 1986. This change is being proposed despite a Department of Transportation study which shows that the present formula for allocating interstate funds is adequate.

Nebraska and other rural States are having enough problems with transportation. The airlines do not want to serve our rural communities, the buses are pulling out, and the railroads cannot serve every town. Are the highways next? Just at the time when rural areas are dependent more and more on their highway systems this bill would drastically reduce the amount of funds that will be available to keep those systems in good repair.

Residents of most rural States also bear a per capita gas tax burden higher then the national average and therefore contribute more to the highway trust fund than other States on a per capita basis. And yet, under this bill, we will be getting less for our money.

When the House considers the Surface Transportation Act today, I urge my colleagues to support amendments to make the allocation formula more equitable to the sparsely populated rural States. My State has already suffered reduced funding under the 1980 law; we cannot afford another cut, especially at a time when our dependence on a safe and well-maintained Interstate Highway System grows every day.

□ 1150

SUNSHINE RESOLUTION OF 1984

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

Mr. BROWN of Colorado. Mr. Speaker, throughout the 1960's and 1970's there was a growing awareness in our Nation that the public business must be conducted in public. That legislative bodies must be open and fair, and let the people they represent have a clear idea of what they are doing.

That awareness and those reforms culminated throughout many of our States in sunshine laws. In Colorado, in Florida, and many other States, sunshine laws were adopted to bring the public's business closer to the public. I believe it is past time that Congress did the same. I think there is a great opportunity to make our process here in the House of Representatives more open to the public, far fairer, and more responsive.

I would hope that all Members would join me in cosponsoring H.R. 518. It is the sunshine resolution of 1984. It helps diminish some of the secret processes that are not required. It helps make our legislative process far fairer and more open to the public. In short, it speaks for those objectives that Common Cause and the League of Women Voters advocated so vigorously in past years. It does apply them to the Congress of the United States.

It is a kind of measure that I think deserves bipartisan support. It brings the public business closer to the people it represents.

PROCEDURAL CONSIDERATIONS OF H.R. 5145

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

Mr. BILIRAKIS. Mr. Speaker, the leadership of this House has chosen to bring the most important Human Services Amendments of 1984 (H.R. 5145) to the floor under suspension of the rules procedure. I am most disappointed that the measure was not considered important enough to allow debate and passage under the customary, democratic majority vote process.

Although I am a supporter of the Head Start program and the tremendous strides that have been made in providing comprehensive disadvantaged preschoolers, and other programs contained therein, I am also deeply concerned over the procedure in which these amendments have come to the floor, a procedure which waives the Democratic caucus rule which limits consideration under suspensions to bills authorizing appropriations of $100,000,000 or less. This bill authorizes over $7 billion, 70 times the caucus limit.

For this reason, Mr. Speaker, although I am a strong supporter of many of these important education programs, I must vote against H.R. 5145 because of the procedure under which it will be considered.

VUCANOVICH SUPPORTS FAIR HOUSE PROCEEDINGS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of House Resolution 518 which would amend the rules of the House of Representatives in order to make the proceedings more open, representative, and accountable. I think this legislation is needed in order to protect the public's right to know what its representatives are doing.

This resolution addresses several areas where mismanagement by the majority has occurred in the proceedings of the House and attempts to correct those. Mismanagement has occurred in areas from inaccuracy in the CONGRESSIONAL RECORD to censored broadcasting of House proceedings to phantom voting on committees to unfair party ratio representation on committees. While I understand the majority has the power to control the proceedings of the House, I do not believe the minority should be ignored. The minority has little input on the legislative agenda that this body considers. It has been clearly evident over the last few months that the Speaker and the Democratic majority of this House have ultimate control over what legislation is reported out of committees and when it is considered on the House floor. But I ask you, when does the majority of the House take precedence over the majority of the American people? In this session, the majority of the American people has not been well represented.

I hope my colleagues on both sides of the aisle will support this resolution so that the House of Representatives can truly be the "People's House."

This resolution attempts to insure that every Member of Congress fairly and effectively represents his or her constituents. This legislation would require that the CONGRESSIONAL RECORD reflect the verbatim accounts of remarks actually delivered on the House floor. It would require frequent, wide-angle camera coverage of the entire House Chamber on a uniform basis whenever the House is in session. Proxy voting in committees would be prohibited under this bill and the membership of all select, conference, and standing committees and their subcommittees would reflect the party ratio of majority to minority party Members of the House. Only through these changes can we as representatives of the people insure that our constituents' voices are heard.

TIME TO ABANDON PROXY VOTING

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

Mr. WOLF. Mr. Speaker, yesterday I joined our colleague HANK BROWN as a cosponsor of House Resolution 518 to amend the rules of the House to make the proceedings in this body more representative and open. His "sunshine"

resolution would hold the Members of the House more accountable to the people they represent by protecting the public's right to know what its Members are doing in Congress and assure the right of every Member of Congress to fairly and effectively represent his or her constituents.

Among the eight provisions in this resolution, one would prohibit proxy voting in committees and subcommittees. At the present time, all but four committees of this House allow proxy voting, and though there may be some useful purpose in this system by allowing Members to go on record in committee votes when conflicting demands on their time make it difficult for them to be present, the evils of this practice far outweigh the advantages.

No one suggests, Mr. Speaker, that proxy voting should be allowed on the House floor, and it is interesting to note that the rules of the major political groups of the two parties of this House—the Democratic caucus and the Republican conference—expressly prohibit proxy voting in their proceedings. It is time to abandon in the committees and subcommittees in this House the practice of phantom voting which leads to legislation in which some committee members play no responsible role. I urge my colleagues to bring accountability to this House by cosponsoring and adopting the "sunshine" resolution.

THE 4R FORMULA

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

Mr. NIELSON of Utah. Mr. Speaker, H.R. 5504 a bill to apportion funds for construction of the National Interstate Highway System, will wreak havoc on the Interstate Highway Systems of a large portion of this country if it is passed unamended. The bill would change the 4R formula for allocation of interstate highway funds to States. The present formula gives an important weight to the number of lane miles of interstate highway that are located within that State. This has always been an important element because there are a number of States that are large geographically and therefore have a large amount of lane miles. The new formula under H.R. 5504 would completely eliminate lane miles as a factor in determining fund allocation. Instead it would base the formula on vehicle miles traveled and gas and diesel sales. This would obviously skew the allocation of funds toward States with large populations and heavy interstate use. However, Western States, with small populations and thousands of miles of interstate highways, would be severely penalized unjustly.

With the formula change in H.R. 5504, Western States could not possibly maintain their existing roads let alone think of building new ones. To make matters even worse, many roads in the West have received severe damage this year due to snows and ice, flooding and mudslides. Some parts of Interstate 80 west of Salt Lake City are completely under water as a result of overflow from the Great Salt Lake. This has caused a major interruption of travel across the Bonneville Salt Flats and the Great Salt Lake Desert. At times the roads have been completely closed. Interstate 15 running north and south through the center of Utah has also received severe flooding damage causing interruption in interstate trucking and travel. Needless to say, these highways have to be restored in order to prevent interstate commerce, trucking, and travel from almost completely shutting down. Utah and other Western States simply cannot afford to take such a drastic cut in highway funds at the present time.

I would argue that it is in the best interest of this entire Nation to see that all States have safe and adequate interstate systems. These Western interstate highways are important continental thoroughfares for transport of all kinds of goods, raw materials, and foodstuffs to the markets of this country. Does it make any sense to give extra funds to one State for good and safe highways and cut funds to its neighboring State so that its highways become deteriorated and unsafe. We are all interlinked into one large continental surface transportation system and it is important to each State for all other States to have modern and safe highways. If the systems of some States are allowed to decay, all States will lose. I urge my distinguished colleagues to carefully consider the fairness of such a drastic change in the 4R formula before voting for H.R. 5504. I hope you will agree with me that changing this formula at the expense of a large portion of our Interstate Highway System would be unwise and shortsighted. Thank you.

GHOST VOTING SHOULD NOT BE ALLOWED

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

Mr. DAUB. Mr. Speaker, it is often remarked upon that if the American people were able to witness firsthand the way this body works they would be sorely disappointed. More disappointed even than they are by its results.

One thing I believe they would be most shocked by is the extent of proxy voting taking place in committees. Day after day Members of Congress are ignoring their elected responsibilities and refusing to take part in the consideration and deliberation by their committees. Instead of personally considering testimony and evidence we hand over our responsibilities in the form of a proxy to another Member who exercises our elected authority for us.

Some months ago I introduced House Resolution 403, a resolution directing the House Committee on Rules to undertake an investigation concerning the matter of proxy voting. At that time the House leadership refused to allow the consideration of this measure and since that time the practice of Members abdicating their responsibilities has continued without question.

In the 3½ years that I have served in this body I—as have many of you—witnessed the process by which decisions are made with only a handful of Members present by means of one or two Members exercising the voting power of dozens of other Members. This is no different than if we simply turned over our voting cards to our respective party leadership and went home. We would be abdicating our responsibilities as legislators.

This is all the more troubling since it is in the committee process where much of the most important work of this House is done. In many cases what happens here on the floor is an anticlimax to the important work done in committee. What is truly shocking is how often that truly important work is done without any attention of the Members elected to represent their constituents.

Ghost voting is not allowed on the floor of this House. It should not be allowed in committee voting either. The resolution of the gentleman from Colorado (Mr. BROWN), House Resolution 518, deserves our support.

SUNSHINE RESOLUTION ON HOUSE PROCEEDINGS

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, it was most disappointing last night to see the opportunity to open up the House proceedings on television gavel to gavel to the American people defeated on partisan grounds.

Fairness, openness, equity, and accuracy are not and should not be points of divisiveness between Democrats and Republicans. Complete and uncensored broadcasting of House proceedings should be something on which we all agree. It is in our interest to make the great deliberative body truly the people's House.

To this end, I am pleased today to join my colleague, the gentleman from Colorado, HANK BROWN, and others in introducing a sunshine resolution to

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amend the rules of the House and to make our proceedings more open, more representative, and more accountable. It is our belief, and this resolution's intent, to protect the public's right to know and to see to it that it is the right of every Member of Congress to be able to fairly and effectively represent his or her constituents.

I urge every Member of this House to join us in this effort in the spirit that it was offered, not only on behalf of the Members of this House but in the best interest of the American people.

VOTE "NO" ON HUMAN SERVICES BILL

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

Mr. ERLENBORN. Mr. Speaker, later this afternoon we shall be asked to suspend the house rules and vote "up" or "down" on H.R. 5145, the Human Services Amendments of 1984.

We are told by some that there just is not enough time in the remainder of this session for us to take up this important legislation under a rule with opportunity for full debate and amendments.

Mr. Speaker, it is difficult for me to believe that the leadership of this House could not find time, if it so desired, to consider this important reauthorization measure. The Head Start, Follow Through, community service block grant, Native Americans, and child care programs included in H.R. 5145 deserve our making time.

I urge my colleagues on both sides of the aisle to vote "no" to suspend the House rules for the consideration of a costly and controversial human services bill. Let us vote against misuse of the suspension procedure and making a mockery of the legislative process.

I am confident time will be found to take up H.R. 5145 under a rule allowing amendments.

FOOTWEAR INDUSTRY INJURED BY IMPORTS

(Mr. McKERNAN asked and was given permission to address the House for 1 minute.)

Mr. McKERNAN. Mr. Speaker, the International Trade Commission yesterday unanimously rejected an appeal for import relief for the American footwear industry.

I deplore this decision. Injury has been sustained by the footwear industry due to imports, and the most significant evidence of import injury to footwear manufacturers is the 27,000 jobs lost in footwear and related industries since 1981, with 6,000 lost in my State of Maine in the 13 factories that have closed there.

The footwear industry has sustained serious injury, and it is hardly surprising that some manufacturers, in using foreign labor, have decided, "if you can't beat 'em, join 'em." This is strictly the result of the flood of cheap imported footwear that has flooded our market.

I am an original cosponsor of legislation, introduced by my Maine colleague Congresswoman SNOWE, designed to hold imported footwear to 50 percent of the domestic market. This is an equitable solution to a problem that is real—even if the ITC refuses to acknowledge it. I urge my colleagues to put American shoe workers back to work and to support this emergency legislation.

THE SUNSHINE RESOLUTION

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

Mr. SCHAEFER. Mr. Speaker, one of the most outstanding provisions of the sunshine proposal is its attempt to restore fairness to the legislative process in the House of Representatives.

This resolution would require that members of each party be represented on every committee of the House in proportion to the party ratio of majority party Members of the House at the beginning of each new Congress. The only exception would be the House Committee on Standards of Official Conduct, which, of course, we all know is bipartisan.

We do not have proportional representation now. Even though the Democratic Party constitutes 61.8 percent of the total House membership, its Members comprise just 63 percent of the Appropriations Committee, 64.5 percent of the Budget Committee, and 65.7 percent of the Ways and Means Committee.

Providing fewer committee seats to the minority party than its overall strength in the House is simply not just. Ironically, many of those who in the past year have attempted desperately to manufacture a so-called fairness issue as we debate public policy are strangely silent at this time. They are so in spite of the obvious, elementary inequity that exists in the apportionment of members on committees that are fundamental in the development of public policy.

To deny the minority party its fair share of committee seats is to deny millions of voters their fair share of the representation on the House committees.

This resolution would provide fairness and equity to both parties. It would protect minority rights, while guaranteeing to the majority their full share of the committee seats as determined by the voters of this country. I urge the adoption of this resolution.

OPPOSE H.R. 5145

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

Mr. CRAIG. Mr. Speaker, I hope my colleagues will join with me in opposing the suspending of the rules for consideration of H.R. 5145 later on today.

Some would oppose Head Start; others might oppose Follow Through; some could oppose community block grants, Native Americans Act programs; some might even oppose the new child care information and referral grant program. But I believe this is not the issue.

Mr. PERKINS. Let me state that I do not know——

Mr. CRAIG. Just a moment. I have not yielded. What was your request, sir?

Mr. PERKINS. Fine.

Mr. CRAIG. I would be happy to yield to my chairman.

Mr. PERKINS. I would like to ask the gentleman from Idaho, when this bill was reported out unanimously, what has motivated everybody to come in here and complain about bringing the bill to the floor under suspension. If we had dreamed of such a thing, we would have asked for an open rule at the time, but with time of the essence and this session getting to a close, and with very little time, I felt that it would conserve time to bring this to the floor under suspension.

As I recall, the bill was reported out unanimously. To make this big to-do over nothing, there is not an amendment that you are going to offer that you can pass on the floor.

The SPEAKER pro tempore (Mr. KASTENMEIER). The time of the gentleman from Idaho (Mr. CRAIG) has expired.

Mr. CRAIG. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. I regret to say the Chair will have to go to another Member at this point.

Mr. CRAIG. All right.

NICARAGUAN DISSENT

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to extend his remarks, and include extraneous matter.)

Mr. LAGOMARSINO. Mr. Speaker, reports indicate that dissent in Nicaragua continues to grow. A recent commentary in the Wall Street Journal by David Asman describes the spectrum of dissent against the Sandinistas and the growth in Nicaraguan support for the freedom fighters.

Adolfo Calero, leader of the FDN, says that "his force of 8,000 freedom fighters is gaining strength as a result of extreme dissatisfaction within Nica-

ragua, not because of Central Intelligence Agency recruitment."

Also reported is Alfonso Robelo's comment about a Daniel Ortega—Nicaraguan comandante—statement that $12 million in financing for the Sandinista revolution came from the criminal activities of the Salvadoran guerrillas. Robelo asks, "How is it that U.S. taxpayers' money is considered dirtier than money that comes from kidnapings and robberies?"

We also read that the Sandinista government censors of La Prensa are Cuban. What does that say about the role of Cuba in Nicaragua?

I include Mr. Asman's editorial in the RECORD.

A SPECTRUM OF NICARAGUAN DISSENT

(By David Asman)

MANAGUA, NICARAGUA.—As I was leaving the Sandino airport here, a seemingly crazed Nicaraguan grabbed me by the arm. "You stupid American!" he said loud enough so that a crowd of Nicaraguans moved away from us, suspecting at least an awkward confronation. His eyes anxiously trained on two Sandinista guards nearby, the man pulled me closer. I was unprepared for his next comment, which he relayed in a whisper, "I am not Sandinista; I am Reaganite. Most of us are Reaganites." As he said this, his crazed expression disappeared and his face became quite serious. Only then did I realize that his initial approach has been hostile to throw off any eavesdroppers. We looked straight at each other for about three seconds before he let go of my arm and faded back into the crowd.

Two days earlier, I attended a Sunday Mass at Archbishop Miguel Obando y Bravo's parish church. Msgr. Obando was in Rome to meet with the pope, and this sermon in late April was delivered by his assistant, Bosco Vivas Robelo. The small church was packed, and I was squeezed between a barefoot *campesino* and a well-dressed woman. "Those who now condemn the church's leaders," said Msgr. Vivas, referring to Sandinista attacks on Church leaders, "should remember that when the bullets were flying in 1978 and 1979, it was Msgr. Obando who provided them with the cloak of safety." At the end of the sermon, the parishioners rose to their feet and applauded for a full minute, some shouting "Viva Obando!"

OPEN OPPOSITION EMERGING

Except for protests from a small community of dissidents, such anti-Sandinista sentiments were hard to find in Managua during a similar visit last December. However, open opposition to the Marxist regime is emerging, despite the fact that the junta seems bent on stepping up attacks on opponents—be they newsmen, churchmen, or common men:

The arrest last week of radio broadcaster Luis Mora Sanchez showed the intent of the governnent's new press law, which, according to the law's preamble, demands that the press "convert itself into an agent of social change." The preamble goes on to state that "the revolutionary government has the duty to guarantee that the media are not used to push back the economic, social and political conquests that the people have achieved in the new Nicaragua." La Prensa, the country's highly censored independent newspaper, announced that the government's Cuban censors were now ordering it to *put in* articles not selected by the editors.

Roman Catholic bishops in Nicaragua were condemned by the government after they signed an Easter pastoral letter calling for dialogue between government leaders and the Nicaraguans fighting them. Sandinista junta leader Daniel Ortega condemned the church leaders for "support[ing] the aggressive plans of the American administratiaon against the Nicaraguan people." Such language is viewed by many here as a preclude to arrest.

Marta Patricia Baltodano, national coordinator of the Nicaraguan Permanent Commission for Human Rights, has been keeping detailed accounts of individuals who have disappeared or turned up dead after publicly criticizing Sandinista policies. She operates out of an office repeatedly attacked by Sandinista-directed mobs.

"We were against Somoza, and our son fought with the Sandinistas," says one woman after the service at Msgr. Obando's church. "And for what?" She reaches into her bag and pulls out a roll of toilet paper. "I had to wait in line for two hours to get this. Meanwhile the *comandantes* drive around in their BMWs and relax in their beach houses. Now we have nine Somozas instead of one, and we are left to wait in line for a roll of toilet paper." Why doesn't she leave? "Where could we go? We're not rich. We have no relatives in the States or Costa Rica. Besides, we worked for years to buy our house. It's all we have. We can't leave what we struggled all our lives to get."

"The greatest miscalculation of the FSLN [Sandinista Front for the Liberation of Nicaragua] leaders," says a Managuan businessman who does contract work for the government, "was forcing all non-Sandinista elements out of the government too soon. If they had kept them in a little longer, they could blame the whole mess on the non-Sandinistas. Now everyone knows there's no one to blame but the FSLN."

Mario Rappaccioli, president of the Nicaraguan Democratic Conservative Party, reports that virtually all vestiges of the private sector have been eliminated in Nicaragua, despite Sandinista claims to a "mixed economy." Says Mr. Rappaccioli: "If the Sandinistas want to take over a company completely, they just leave up the signpost with the former owner's name. They are very conscious of appearances around here."

Perhaps the most important "appearance" the Sandinista leaders have been trying to maintain is that the war with the *contras* is a purely external affair—a revolt orchestrated and directed by the U.S. government. This is why they reacted so vehemently against the bishops' pastoral letter. While deploring violence by both sides of the conflict, the bishops emphasized that the problem was an internal one "pitting Nicaraguan against Nicaraguan. . . . It is dishonest to constantly blame internal aggression and violence on foreign aggression. It is useless to blame the evil past for everything without recognizing the problems of the present."

While few Nicaraguans living in the country are willing to voice public support for the contras, Sandinista attempts to portray the rebels as a "force of U.S.-inspired imperialism" seem to have backfired. Reports of U.S. support for the rebels have encouraged many in Managua with the thought that the outside world is aware of unhappiness with the Sandinistas.

At his headquarters in Tegucigalpa, Honduras, FDN (Nicaraguan Democratic Force) leader Adolfo Calero Protocarero claims his force of 8,000 contras is gaining strength as a result of extreme dissatisfaction within Nicaragua, not because of Central Intelligence Agency recruitment. Says Mr. Calero: "FSLN policies are responsible for our success. All the Sandinistas offer the people is the glory of sacrificing more for the revolution. But the revolution has become a symbol of misery. Every day our job becomes easier as the Sandinista army troops lose more of their will. They are asking themselves what they are fighting for."

Mr. Calero, who was once jailed by Somoza, claims the FDN isn't tied to the old dictator's regime, although a few of his fighters and commanders are former members of Somoza's National Guard. "Somoza is a dead Mafia chieftain who left no successor," he says.

Referring to the ARDE (Democratic Revolutionary Alliance) rebel forces in southern Nicaragua—headed by disaffected Sandinista leaders Eden Pastora and Alfonso Robelo—Mr. Calero adds, "We happen to be supporters of the free market, while Pastora and Robelo are socialist-minded. But we [the FDN and ARDE] could both operate within a democratic system where the people could choose which system they preferred. Now there is no choice within Nicaragua."

ARDE's Mr. Robelo, speaking at a restaurant in San Jose, Costa Rica, says, like the FDN in the north, supplies fail to keep up with the growing number of recruits. "We have 100 new men joining us a day," he claims. Admitting that "some of our money probably comes from the U.S. government," Mr. Robelo is curious why this should bother anyone. "I must have had over 250 interviews when we were fighting against Somoza in '78 and '79, and not one reporter asked us where the money was coming from then. After the revolution, Daniel Ortega told me that $12 million came from 'our Salvadoran cousins'—which meant it came from the criminal activities of the Salvadoran guerrillas. Now how is it that U.S. taxpayers' money is considered dirtier than money that comes from kidnappings and robberies?"

Of more importance than direct U.S. funding for ARDE may be the question of whether it will be able to coordinate military actions with the forces of the FDN and the 2,000-man Misurasata contra forces, composed of Nicaraguan Indians. (A report in yesterday's New York Times that ARDE has decided officially to join forces with the FDN was denied by ARDE official Alvaro Hares. Contacted in Costa Rica yesterday, Dr. Hares said that while negotiations continue between the two rebel groups, they are no closer to resolving their differences.)

The FDN's Mr. Calero sees Eden Pastora's refusal to deal with his group until it fires a few ex-Somoza Guardsmen as a large stumbling block to unification. Says Mr. Calero: "These are not people who participated in atrocities against the people; we don't allow those type in our force. They are good commanders who are effective fighters and military leaders."

Likely to complicate matters further was the bombing on Wednesday night of ARDE's military command post during a news conference held by Mr. Pastora. Five people were reported killed, and Mr. Pastora himself received minor injuries. In a recording released to the press yesterday, he said the extreme right and the Sandinistas would blame each other for the blast, but that he didn't yet know who was responsible.

ENORMOUS SUPPORT

Whatever the outcome of bickering among the leaders of the Nicaraguan rebel factions, both forces have enormous support among the many thousands of refugees displaced by the fighting within Nicaragua. In one refugee camp outside the town of Tilaran in northwestern Costa Rica, about 3,000 Nicaraguan campesinos are united in their hatred of the Sandinistas and their support for the contras. Younger men claim they were threatened with death if they refused to join the Sandinista army, and some show scars that they claim were inflicted by Sandinista torturers asking for information about contras. Nearly all the men between the ages of 18 and 30 say they fought with ARDE forces for a time. One telltale sign that many have seen action can be seen in their footwear: the familiar black Sandinista-issue boots, stripped from dead Sandinista soldiers.

What the Nicaraguan refugees want most, however, is to see an end to the conflict so that they can return home. One toothless black woman from the area of Nicaragua known as Bluefields says she left her mother and walked alone in the jungles for eight days to escape from an area of fighting. Her mother stayed behind saying she was born in the area and would die there. Speaking the Caribbean English common to those living on Nicaragua's east coast, the woman explained why she believed the fighting would stop soon: "Them Sandinista men only gets fighters by threats. We fight back with spirit. Everyone here in the camp knows they'd have to kill us all to kill our spirit."

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A CLARIFICATION OF THE CONSIDERATION OF HUMAN SERVICES AMENDMENTS OF 1984

(Mr. HARTNETT asked and was given permission to address the House for 1 minute.)

Mr. HARTNETT. Mr. Speaker, I yield to my colleague, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I just wanted to clarify something about H.R. 5145. The fact of the matter is that that bill did come out of the committee unanimously, technically, but it came out on a voice vote, not on a rollcall vote. We were relying on the rules of the Democratic Caucus, I guess, which provide that no bill of over $100 million will be on suspension, and this is a $7 billion or $8 billion bill.

We did have a rollcall vote on the amendment which was offered, which was essentially a party-line rollcall vote, where all but one Republican voted for the amendment. That was the only rollcall vote on this bill. It showed a strong division and a need for debate in the full House on this particular point of difference.

Mr. Speaker, we did not ask for a record vote on final passage. It passed on a voice vote on final passage from the committee, not unanimously.

Mr. HARTNETT. Mr. Speaker, I yield back the balance of my time.

THE UPCOMING VOTE ON THE HUMAN SERVICES AMENDMENTS OF 1984 CONSIDERED UNDER SUSPENSION OF THE RULES

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

Mr. BARTLETT. Mr. Speaker, I serve on the committee that has reported out on a voice vote H.R. 5145, and in about 1 hour we are going to get a vote on H.R. 5145 under suspension of the rules, with no amendments permitted and with limited debate.

I come to this House floor to take this minute to assure the House and to call the attention of the House that this bill does need debate and it does need further amendments and it needs to be considered under an open rule.

Mr. Speaker, on first blush, the so-called Human Services Amendments of 1984 would appear to be a benevolent piece of legislation worthy of our support, but a closer examination of H.R. 5145, which many of us on the committee have given, reveals that it is a budget-busting, omnibus bill which drags down the reauthorization of the Head Start program by the inclusion of various other programs which should be considered individually. This bill would authorize over $8 billion in spending, and this much spending has not been passed upon, on the individual merits, by this floor.

The Head Start program is carrying the negatives of H.R. 5145 and is suffering in the process. This worthy program of Head Start is hurt by the inclusion in the same bill of, among other things, a new Federal program for child care information and referral, a program which has never been contested or contended is needed by the Federal Government.

Mr. Speaker, H.R. 5145 should be defeated on suspension today.

AN EXPRESSION OF OPPOSITION TO THE HUMAN SERVICES AMENDMENTS OF 1984

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

Mr. GUNDERSON. Mr. Speaker, normally this year we have been able to bring bills out of our Education and Labor Committee on a bipartisan basis. I think it has been a happy experience for most of us.

I must, however, as a member of that committee, also report today that unfortunately the process by which we have been forced to consider H.R. 5145 is not of that bipartisan nature. As the gentleman from Wisconsin indicated earlier, there was a vote on a particular amendment that concerned many of us. When that failed, we did not go through the motions of a vote on the final bill because we wanted to bring it to the floor. We wanted to deal with Head Start, but we also wanted the opportunity to deal with some of these other issues.

The fact is that there is a Follow Through program here that is very controversial, the community service block grants do not even need reauthorization for a couple more years, and there is a child care information and referral program that is brand new.

I think each and every one of those issues at least ought to deserve debate and the opportunity for amendments here on the floor of the House. That is all we are asking.

Mr. HAYES. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. GUNDERSON, I will in just a minute. Let me finish this first.

That is all we are asking. We are not asking to kill the bill. We are asking for an opportunity to come up here and make the bill better so when it goes to the Senate it does not die but, rather, can become a part of the law.

With that, Mr. Speaker, I am happy to yield to the gentleman from Illinois.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin (Mr. GUNDERSON) has expired.

WHITE HOUSE UNDERMINING U.S. LEADERSHIP IN INTERNATIONAL FAMILY PLANNING

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

Mr. PORTER. Mr. Speaker, it has come to my attention that the National Security Council is circulating a draft memo regarding the U.S. policy position for the International Conference on Population to be held in Mexico City from August 6-13 of this year. If this position paper is approved, and becomes official policy, it will constitute a great step backward by our Government in this vital area.

The House recently took bipartisan action and approved an increase of $70 million for population assistance. The report stated:

> The committee has noted the important responsibility of the United States to continue its leadership in support of international population programs . . . (and) . . . recognizes the potential social, economic, environmental, and political consequences of rapid population growth . . .

The administration pushed hard for that bill. Now, I understand that this draft policy paper presents views substantially different, making light of the serious development and economic problems faced by many of the countries in the developing world, including Mexico, the host country of the conference.

I urge the White House to reject this draft and adopt a policy statement re-

flecting the longstanding and strong support of our country for voluntary family planning efforts worldwide.

"GIVE LOVE, GIVE LIFE, BE A DONOR"

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

Mr. DENNY SMITH. Mr. Speaker, as we gather this morning, a baby girl from my district has died at Children's Hospital in Pittsburgh. Eight-month-old Laura Cook desperately needed a liver transplant to live. I want to thank the Members who have already responded to my "Dear Colleague." If you have not seen it yet, let me share a letter with you from Laura's mother, Cindy, which I received on Tuesday.

I hope that through Laura's situation—whether she gets the chance of a transplant or she dies—two things can be accomplished.

First, that the parents and people of America will be aware of the need for (organ) donors, from 3 months of age to 50 years.

Second, that they will be willing to help by becoming donors and donating the organs of their children.

Mr. Speaker, I urge my colleagues to respond to the "Dear Colleague" and to encourage residents of their districts to contact the Living Bank in Houston, Tex., to learn more about signing up as donors. The toll free number is 1-800-528-2971. My own family is looking into this responsibility and this opportunity.

As Cindy Cook, the mother, said, "Give love, give life, be a donor."

THE SUNSHINE RESOLUTION

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

Mr. LOTT. Mr. Speaker, I join this morning in supporting the sunshine resolution introduced by our colleague, the gentleman from Colorado (Mr. BROWN) which would amend the rules of the House of Representatives to make its proceedings more open, representative, and accountable. It is aimed at protecting the public's right to know what its Representatives are doing in Congress and assuring the right of every Member of Congress to fairly and effectively represent his or her constituents.

I will not go down the list of all the things this good resolution would do, but let me point out just three or four of them that I think would have an appeal to both sides of the aisle, things that we should do here in the House.

One would eliminate phantom legislating by abolishing proxy voting in committees and subcommittees.

Some Members would say, "My goodness, we would never get anything done in our committees if we didn't have proxy votes."

Let me tell you that I am on the Rules Committee, and in the Rules Committee, we do not have proxy voting. And do you know what happens? The members attend. They all attend, and when we have a vote, rarely do we have a member that misses a vote.

So we do not need proxy voting around here.

Second, the resolution would provide for reliable, advance notice of House floor work.

How many of you would like to know a little bit better what our schedule is going to be? How many of you would like to know whether we are going to be in session tomorrow or not? We all ought to be for that, a more reliable House floor schedule.

And it would allow dissenting votes to be included in House-Senate conference reports.

How many times have you been in a conference when you wanted to dissent, you did not agree to a conference report, but you could not express yourself?

And last, it would require representative party ratios in committees and subcommittees.

One of the reasons why we have problems with a lot of bills when they come to the floor of the House is because a representative group reflecting the real makeup of the House has not been working on that legislation in the committee.

Mr. Speaker, I urge my colleagues to join in sponsoring this sunshine resolution.

□ 1220

ITC FOLLY

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

Mr. EMERSON. Mr. Speaker, yesterday, the ITC announced its decision that domestic shoe manufacturers have not been injured by imports. The 5-0 decision is absolutely shocking in view of the fact that imported shoes now have captured 70 percent of the U.S. market. One wonders if any record of what has happened has been reviewed by the ITC.

Within the last 6 years, seven factories in my district have closed and approximately 2,000 workers have lost their jobs. The economic damage caused by the penetration of imported nonrubber footwear is one of the most severe economic setbacks my district has experienced.

I find the International Trade Commission decision, denying the petition based upon their belief that the industry has shown sufficient profitability and productivity since the orderly marketing agreements were lifted in 1981, incomprehensible.

Without stopping this flood of imports, our domestic shoe industry will be destroyed. Since Missouri is the No. 2 shoe manufacturing State, think of the harm done to the folks from the small agricultural towns who augment the farm income by working in the shoe factories. Most of these workers are women. Where will they go when all of the plants are gone. These people, like me, were counting on a favorable decision on the nonrubber footwear industry 201 petition.

I have joined my colleagues in the House in cosponsoring legislation that would impose a ceiling on foreign shoes to no more than 50 percent of the American market.

The time has come to grant the shoe industry and the American worker time so that they may again compete equally in the international market.

SUPPORT THE NICARAGUAN FREEDOM FIGHTERS

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

Mr. RITTER. Mr. Speaker, recent news reports indicate that there are massive new arms shipment of heavy military equipment from the East bloc into Nicaragua, including tanks, heavy artillery, and helicopter gunships.

It is ironic that while hundreds of millions of dollars of Soviet bloc aid is being funneled into totalitarian communist Nicaragua, we in the Congress have not yet given our military support of some $62 million to the duly elected Government of El Salvador.

Meanwhile, the Nicaraguan freedom fighters, who only wish to fullfil the original promises of the Sandinista movement are denied $21 million. The irony will be far greater when the established and secure Soviet bloc, Nicaraguan regime brings such a threat to the people of the hemisphere and the United States of America that we will have to deploy large quantities of sea and air power in the Central American-Caribbean region to counter that threat.

The taxpayers of this country, whatever they believe the situation in Nicaragua to be, are getting a very good deal by our support for 15,000 freedom fighters.

CONGRESSMAN MONTGOMERY SALUTED FOR ARRANGING FOR A HOUSE DELEGATION TO ATTEND D-DAY CEREMONIES IN NORMANDY

(Mr. STRATTON asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, following up on my friends, the gentleman from California (Mr. LANTOS) and the gentlewoman from Maryland (Mrs. BYRON), I would also like to pay my respects to our distinguished chairman of the Veterans' Committee, the gentleman from Mississippi (Mr. MONTGOMERY) for his initiative in making it possible for an 18-member bipartisan delegation of the House of Representatives to be on hand for the ceremonies commemorating D-day in Normandy.

This visit was an extremely moving experience to every member of the delegation. We spent a couple days on the various Normandy beaches as our colleague, the gentleman from Florida (Mr. GIBBONS) and the gentleman from Missouri (Mr. YOUNG), both of whom had participated in that historic landing, not only explained what had happened, but actually took us to the spot where the gentleman from Florida (Mr. GIBBONS) landed by parachute, where he dug his first foxhole, and where Gen. Maxwell Taylor set up his first command post.

Many of the experiences that we went through, as we walked along these beaches, were reflected in an article that appeared in the Washington Post yesterday, in tracking down some of the soldiers who were addressed by General Eisenhower, in that famous photograph the day before the Normandy landing.

The most moving aspect of our visit was the speech that President Reagan made at the Omaha Beach Cemetery, where some 9,000 Americans who died in that operation are buried. So moving was that speech that not only the President choked up, but his thousands of listeners were moved to tears.

These ceremonies were moving because they reminded us once again that freedom is never free and that there are indeed times when our free way of life must be defended at heavy cost—and that there were then, as there are now—men and women prepared to pay that price in defense of their families, their values, and their fellow citizens.

PLAYING POLITICS WITH HEAD START

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

Mr. PERKINS. Mr. Speaker, I am somewhat surprised at our friends in the minority on the Committee on Education and Labor. Naturally, if any of them had indicated that they objected to the bill being placed under suspension, I would have tried to have done something about it, but I felt that we were expediting the business of Congress at this late date in putting the bill under suspension.

There is not one amendment that they have talked about—if the bill is to be opened up—that would be adopted.

Some of us on occasion like to play a little politics and this is just strictly politics from top to bottom.

Now, I know that they are confusing a lot of Members on your own side by this maneuver today. It is true there is some money in the bill, about $7 or $8 billion, a billion and maybe $100 million the first year for Head Start. Head Start is where all the money is in this bill and we have a community bloc grant for community services in the bill and a little Follow Through program of $23 million here and here they come with a big political hooray.

I would ask we support this suspension.

HEAD START—A REPLY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding. I will not even take the gentleman's minute, just to say that the chairman of the committee certainly is well aware we objected to considering this bill under suspension. He knew that before it was scheduled to be considered under suspension. He always consults with me before he brings to the floor under suspension, but even if I say I do not agree, he does it anyhow.

The gentleman also knows we had dissenting views that show we had a good deal of controversy on this bill; so the fact that it was reported on a voice vote in no way indicated that we agreed to have it under suspension and without an opportunity to offer amendments.

Mr. WALKER. Mr. Speaker, I thank the gentleman and I yield back the balance of my time.

HEAD START—A FURTHER REPLY

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

Mr. WILLIAMS of Montana. Mr. Speaker, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, let me answer my colleague from Illinois by stating that it may be that I have placed one or two bills under suspension that the gentleman has objected to during my career as chairman of the Committee on Education and Labor, but 99 chances out of 100 I always go along with him.

I do want to tell the House that no objection came to any of us about this bill being placed under suspension. I could be mistaken that I made an announcement at the time that I was going to ask that the bill be placed under suspension. The important thing is, there was not a vote against it on a voice vote in committee when it was ordered reported.

I do not think at this late hour in the session again that we should be political on such a great program like Head Start. We all understood these programs in this bill. It would be my hope that everybody would vote for this suspension of the rules.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 5504, SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

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 the consideration of the bill (H.R. 5504) to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the resolution assistance program, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 1(p) of rule X, clause 5(a) of rule XXI, and section 303(a) of the Congressional Budget Act of 1974 are hereby waived. At the conclusion of the 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, and 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. KASTENMEIER). The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR) and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 502 provides for the consideration of H.R. 5504, the Surface Transportation and Uniform Relocation Act of 1984.

Mr. Speaker, I would like to describe for my colleagues the provisions of the rule before us. It is an open rule, providing for 1 hour of general debate. The time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

Mr. Speaker, House Resolution 502 makes in order the Public Works and Transportation Committee amendment in the nature of a substitute as original text, and provides that the substitute be considered for amendment by title, with each title considered as read.

All points of order are waived against the substitute for failure to comply with the provisions of clause 1(p) rule X, which prohibits any bill providing general legislation in relation to roads to contain any provisions for any specific road.

A waiver of clause 1(p), rule X is necessary as certain provisions of the substitute recommended by the committee, provides for improvement of construction of specific roads and areas. Because of this a waiver is needed. The rule waives clause 5(a) of rule XXI which prohibits appropriations in a legislative bill. The clause 5(a), rule XXI waiver is necessary because several provisions of the bill allow direct obligation of funds from the highway trust fund, reapportion funds previously appropriated for another purpose, or allow the Secretary of Transportation to make grants upon enactment of the bill without further action on an appropriations act.

Mr. Speaker, under the provisions of the rule, points of order against consideration of the bill and the substitute for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. This section prohibits the consideration of bills providing new budget authority for a fiscal year prior to the adoption of the first budget resolution for such a fiscal year.

The waivers are necessary because the bill as introduced and the substitute allocated funds out of the highway trust fund for fiscal years for which a resolution has not been agreed to. However, the Budget Committee is aware of these provisions and has no objection to this waiver.

Finally, Mr. Speaker, House Resolution 502 provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 5504 is the follow-up to the surface transportation bill passed during the 97th Congress. This legislation made possible a substantial increase in highway authorization and the expansion and strengthening of the public transportation program. Title I of the bill would make available $575.2 million through fiscal year 1988, for 37 highway demonstration projects, and the highway beautification progam.

Title II of H.R. 5504 would authorize $1.5 billion in each of fiscal years 1985, 1986, and 1987 to assist cities with the provision of adequate mass transportation services and to provide grants for studies relating to urban transportation.

Title III amends the Uniform Relocation Act. This is the law governing the consideration which Federal and State agencies are to give to individuals displaced by the construction of Federal projects. H.R. 5504 would expand the coverage to other individuals, arms, and businesses whose land or business is economically hampered or disabled as a result of the Federal Government activity.

Mr. Speaker, H.R. 5504 is an important bill that would allow for the improvement and the upkeeping of our Nation's highways and mass transit programs. I urge my colleagues to support the rule so that we may proceed to the consideration of H.R. 5504, the Surface Transportation and Uniform Relocation Act of 1984.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 502 is an open rule under which the House will consider vital legislation to improve the Nation's transportation system.

The bill made in order by this rule, H.R. 5504, approves the release of interstate construction and interstate transfer funds for the second half of the current fiscal year and for all of fiscal 1985. This approval is absolutely necessary if the Congress is to restore stability to our interstate construction program.

The distinguished gentleman from Massachusetts (Mr. MOAKLEY) has explained that this rule contains several necessary waivers, in order to permit our consideration of the bill.

Mr. Speaker, the rule provides a waiver of section 303(a) of the Budget Act for both the bill and the substitute recommended by the Committee on Public Works and Transportation. As the Members know, the House has yet to adopt a conference report on the first budget resolution for fiscal 1985. Since the bill and the committee substitute provide new spending authority, and we have not yet adopted a first budget resolution, the Budget Act would otherwise prevent our consideration of this legislation.

There was no controversy about the Budget Act waivers during our consideration of the rule in the Committee on Rules, and the chairman of the Committee on the Budget indicated in a letter that he supported a procedure whereby spending legislation that is consistent with the budget resolution passed by the House be brought up for consideration on this floor.

I certainly support this procedure, Mr. Speaker, it is not at all unusual for us to face this situation.

Mr. Speaker, the rule makes in order the Public Works and Transportation Committee amendment as original text for the purpose of amendment under the 5-minute rule, and it provides that the substitute will be read by titles instead of sections.

In addition, the rule contains waivers relating to appropriations language in the committee substitute; and to the authority of the Committee on Public Works and Transportation to report general road legislation containing provisions for specific roads.

Mr. Speaker, the rule also contains the usual and customary language regarding the division of the 1 hour of general debate, as well as the provision for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 5504 provides authorizations necessary if the Congress is to keep its commitment to the American public that highway trust fund revenues will be used to upgrade and complete our Interstate Highway System.

Mr. Speaker, this bill provides an opportunity for the Congress to make good on its promises to the American public, as well as our bargain with the administration, that when we increased the gasoline tax by 5 cents 2 years ago we would use those revenues, revenues sought by the administration, to improve our highways and mass transit systems and provide jobs to American workers.

The leadership of the Committee on Public Works and Transporation, the bipartisan leadership of the committee, assured us during our hearing in the Committee on Rules that the authorizations contained in this bill are within the capacity of the highway trust fund and consistent with the concept of "pay-as-you-go" included in the budget resolution which passed the House in April.

Mr. Speaker, I would like to conclude with this thought: Now that the American public has paid, it is time for the Congress to go to work. I urge the

adoption of this rule, so we may proceed to consider the bill.

□ 1240

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 280, FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEARS 1984, 1985, 1986, AND 1987

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 280) to revise the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987, with the Senate amendment thereto, disagree to the Senate amendment and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. WALKER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Let me inquire under the reservation when we could possibly go to conference on this matter if these conferences were appointed today and keeping in mind the 7 days we have to accomplish something, but we do not want to appoint conferees without being able to accomplish anything.

Mr. JONES of Oklahoma. If the gentleman will yield.

Mr. WALKER. Reserving the right to object, I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I have discussed this matter with my counterpart in the other body, Mr. DOMENICI, and he is supposed to get back to me as to when we could actually go to conference.

It would be my preference to go to conference today; if not, I told him I would like to start first thing on Monday.

As I mentioned earlier on the floor, I think time is getting away from us. We have 3 weeks in which to wrap up a tax conference, a budget reconciliation conference and a budget resolution conference which would put the spending limits on entitlements and discretionary spending plus the revenue part.

I think that if we wait around for the tax conference or the reconciliation conference to complete as opposed to operating simultaneously on three separate tracks, we run the risk of not completing the entire deficit reduction package by the end of this month. And if we do not complete it by the end of this month, I think as a practical matter, once we leave here for the Independence Day recess, and the national conventions, Presidential politics is going to dominate the agenda and we are not going to get anything done.

So it would be my hope to keep maximum pressure on the conferees to try to get to conference and to try to wind it up. In my judgment, it could be wound up by the end of next week if we really have the resolve.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman. I was not aware that the other body had gone so far as to request a conference of this body and also apparently, appointed conferees.

Now, if there has been a change of mind, that is something else again, but that puts, obviously, the gentleman from Oklahoma, in a real bad spot. I just do not think a Member ought to be put in that kind of a fix. While I probably would have some preference for having that conference somewhat delayed, depending on consideration of that conference report on the tax bill, I think what that has already taken place up to this point in all fairness, we have to follow through and do the best we can.

Mr. JONES of Oklahoma. If the gentleman will yield.

Mr. WALKER. Reserving the right to object, I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the distinguished minority leader for his comments.

The sequence of events on this were that before the Memorial Day recess, just before that the other body passed the budget resolution and immediately appointed their conferees. I was prepared to go to conference immediately but was asked at that time as I said in a statement on the floor that the chairman of the Senate Budget Committee asked that we postpone until after the recess the appointment of our conferees.

We are in the situation of being ready to go to conference but haven't appointed the conferees.

It seems to me that if we are really serious about trying to wrap up this whole package, this whole deficit reduction package, the more pressure we put on both bodies to act and act quickly, the better off we are and the better off the American people are.

So it would be my preference to appoint the conferees, then the pressure builds up to do something and hopefully at least at the beginning of next week, we can start doing something and I am going to put the maximum amount of pressure to complete agreement so we get it all done by the end of this month.

Mr. MICHEL. It is true, of course, if you do not reach agreement, there can always be a reappointment of conferees after the 7-day expiration.

Mr. JONES of Oklahoma. The gentleman is correct.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Ohio.

Mr. LATTA. There is a question that is most important, and that is putting the spending caps on in the other body. Certainly we want to see that happen. We do not want to do anything that is going to interfere with the process that is ongoing now to come out with that type of result.

Hopefully the chairman of our committee would not want to see anything done like that, either.

Mr. JONES of Oklahoma. If the gentleman will yield.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. What we are talking about as spending caps is an internal procedural method of enforcing whatever agreement comes out of this conference. As the gentleman knows, I have a preference for deferred enrollment, which is something we have used in the past.

But to me, we cannot even get to that procedural issue until we start sitting down and setting limits on spending and if we fail to go to conference, we cannot get to the limits we are going to agree to on spending.

So it seems to me if we really are serious, we take all of these measures, go to conference at one time, operate simultaneously so that we agree to the actual numbers, the limitation of spending and we can agree to the method, the procedural method of enforcing those numbers simultaneously in a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none and, without objection, appoints the following conferees: Messrs. JONES of Oklahoma, WRIGHT, and SOLARZ, Ms. FERRARO, Messrs. ASPIN, HEFNER, DOWNEY of New York, LOWRY of Washington, MILLER of California, GRAY, WOLPE, FROST, FAZIO, LATTA, SHUSTER, FRENZEL, KEMP, BETHUNE, and GRAMM, and Ms. FIEDLER.

□ 1250

HUMAN SERVICES AMENDMENTS OF 1984

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 5145, as amended, on which further proceedings were postponed on Tuesday, June 5, 1984.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 5145, as amended.

The question was taken.

Mr. ERLENBORN. 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 261, nays 156, not voting 16, as follows:

[Roll No. 218]

YEAS—261

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chappie
Clarke
Clay
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
D'Amours
Darden
Daschle
Davis
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
Lantos
Leath
Lehman (CA)
Lehman (FL)
Levin
Levine
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Lujan
Luken
Lundine
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKernan
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Patman
Patterson
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Ridge
Rinaldo
Roe
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)

NAYS—156

Archer
Badham
Bartlett
Bateman
Bevill
Bilirakis
Bliley
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappell
Cheney
Clinger
Coats
Coleman (MO)
Conable
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erlenborn
Fiedler
Fields
Fish
Flippo
Frenzel
Gekas
Gingrich
Glickman
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Sam
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Hutto
Hyde
Jones (OK)
Kasich
Kemp
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leach
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
Mica
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Nielson
O'Brien
Oxley
Packard
Panetta
Parris
Paul
Pease
Petri
Pritchard
Quillen
Regula
Ritter
Roberts
Robinson
Roemer
Rogers
Roukema
Rudd
Sawyer
Schaefer
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Wylie
Young (FL)
Zschau

NOT VOTING—16

Bethune
Coelho
Derrick
Ford (TN)
Hammerschmidt
Hansen (ID)
Harrison
Leland
Lloyd
Martin (NC)
Martin (NY)
Pashayan
Rodino
Sensenbrenner
Shannon
Williams (MT)

□ 1310

Mr. SAM B. HALL JR., changed his vote from "yea" to "nay."

Mr. LUKEN changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 8, 1984 TO FILE REPORT ON H.R. 1510, IMMIGRATION REFORMS AND CONTROL ACT OF 1983

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight, Friday, June 8, 1984, to file a report on the bill, H.R. 1510.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. LOTT. Mr. Speaker, reserving the right to object, I will not object, but I do think that we should at least clarify what we are asking for here.

The gentleman is asking for unanimous consent for late filing on the rule on the immigration bill. Is that correct?

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. LOTT. This rule is scheduled to come up next Monday; is that correct?

Mr. MOAKLEY. The gentleman is correct once again.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 502 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. 5504.

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. 5504) to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the relocation assistance program, and for other purposes, with Mr. DANIEL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. ANDERSON) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. SHUSTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, the Committee on Public Works and Transportation brings to the House the Surface Transportation and Relocation Assistance Act of 1984, H.R. 5504, to provide major improvements to the highway, mass transit, and uniform relocation assistance programs.

On November 1, 1983, the House amended and passed H.R. 3103, a bill to provide increased authorizations for the emergency relief highway program, approval of the interstate and interstate substitute cost estimates, and necessary technical and clarifying amendments to the Surface Transportation Assistance Act of 1982.

Since the House request for a conference on H.R. 3103 was not agreed to by the other body, H.R. 4957 was offered and supported by the House and Senate as interim legislation to release interstate and interstate substitute project funds for one-half of the funds that are available for fiscal year 1984. The House passed H.R. 4957 on February 29 of this year, and the Senate concurred with the House-passed bill without amendments. The bill was signed into law on March 9, 1984.

In response to several very important issues raised by Members during consideration of H.R. 3103, Members were assured an opportunity to have issues considered in future committee legislation during this, the second session of the 98th Congress. This bill addresses several issues raised by Members and also contains a number of provisions addressed in the House-passed bill, H.R. 3103, that were deleted in the compromise legislation, H.R 4957.

Since enactment of the 6-month interstate and interstate substitute cost estimate approvals in H.R. 4957, the committee has worked diligently to move legislation that would provide for the release of the remainder of the interstate and interstate substitution project funds.

This bill, the Surface Transportation Assistance Act of 1984, approves the interstate cost estimate for the remainder of fiscal 1984 and for fiscal 1985. The obligational ceilings would be adjusted to permit the States to make full utilization of fiscal year 1984 and 1985 obligations authority and to facilitate the ability of States with the greatest unobligated balances of authorized highway funds to reduce those balances.

To address the tremendous bridge needs, the discretionary bridge program is increased to $300 million. The formula for apportioning interstate rehabilitation funds is modified to provide more funds to States with heavily traveled interstate routes.

Title II of the bill increases the authorization for section 3 discretionary capital programs from $1.1 billion to $1.5 billion, consistent with the revenue projections for the mass transit account of the highway trust fund which were supplied to the committee by the Congressional Budget Office.

As the Members may remember, in the last Congress when we passed our surface transportation legislation, and we asked the Members of this House to vote an additional 5 cents a gallon gasoline tax, we stated that 4 cents would be used for highway programs, and 1 cent for transit programs. We worked on a formula we felt was accurate of about $1.1 billion per cent. So we increased the highway portion by $4.4 billion per year, and the transit section by $1.1 billion per year.

We did this to keep our promise to the Members that if we asked them to vote to take tax money from their people, that money would be immediately available for utilization by the States in highway and transit programs. We promised that we would not collect the tax money and then just hold it here in Washington, D.C.

Well, we find from the Congressional Budget Office that the accumulation of the 1 cent into the transit fund is amounting to about $1.5 billion per year, rather than the authorized $1.1 billion. In order to keep faith with the States, and to help them meet their transit needs, we are, therefore, increasing by $400 million to $1.5 billion per year, the transit program. This is being done to keep our promise to the Members of Congress who supported that tax and to the States which have such great needs as well as to the taxpayers.

The Mass Transit Contract Authority programs established in the Surface Transportation Act under the committee's jurisdiction, are provided a stable source of funding through fiscal 1987 for a limited number of cost-effective new starts for rail modernization for our older cities, and expanded bus and bus-related projects.

The Uniform Relocation and Acquisition Policies Act of 1970 is amended to extend coverage and benefits to compensate persons displaced as a direct result of Federal projects or federally assisted programs or projects. The bill designates a lead agency to promulgate uniform rules implementing the uniform relocation amendments that every Federal agency must follow. A State certification process is also provided in the bill which will result in more effective implementation of the act.

It is essential, I say to the Members, that Congress approve the interstate and interstate substitute cost estimates for the release of the remainder of the 18 month funds to permit the States to obligate those funds.

Therefore, I urge the approval of this bill in order to assure continuity for all the States in proceeding with their ongoing highway and transit projects.

□ 1320

The CHAIRMAN. The gentleman from New Jersey (Mr. HOWARD) has consumed 6 minutes.

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

Mr. Chairman, I am pleased today to ask our colleagues to give their favorable consideration to H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

This important legislation continues us along the path we journeyed out on with the enactment of the 1982 Surface Transportation Assistance Act, the STAA. It was with that act that, as a Congress and as a Nation, we rededicated ourselves to an improved transportation infrastructure throughout this country.

It was with that act that we conclusively demonstrated our desire to reverse the decline in the condition of our highway network, and that we were serious about improving the Nation's public transit systems.

And it was with that act we proclaimed that the effective, efficient movement of people and freight is critical to our economy and our standard of living.

And it is with H.R. 5504 today that we can say we have moved ever closer to making our Nation's transportation system truly first rate and as good as it needs to be.

The hub of our country's highway network is the Interstate System. For many of us, it was quite painful last October when the interstate cost estimate was not approved in time to allow the Secretary of Transportation to apportion fiscal year 1985 funds at that time. The construction programs of many States were severely disrupted. To help prevent further disruption, H.R. 5504 will approve the interstate cost estimate for 18 months, so that we will not need to repeat this process until next summer or fall. Similarly, the interstate substitute cost estimates for both highway and transit projects are being approved with this legislation.

H.R. 5504 helps assure that all the obligational authority anticipated by the 1982 act for fiscal year 1984 and fiscal year 1985 will have been utilized by the close of fiscal year 1985, and fa-

cilitates the ability of those States with the greatest unobligated balance of authorized highway moneys to draw on those balances.

Section 110 will increase the authorization for the discretionary bridge program from $200 million to $300 million so that we can help rebuild some of the country's worst bridges. Among the eligible bridges to which the Secretary should assign priority in the use of discretionary funds is the Notre Dame Bridge crossing the Merrimack River.

An important provision of the legislation is contained in section 121 of the bill. This section improves the interstate 4R formula to better reflect the purposes and needs of that program. As more interstate routes in this Nation are approaching their design life, it is increasingly crucial that 4R funds be directed to those States with interstate routes that are most heavily used, with special consideration given to their use by trucks. A single truck loaded to 80,000 pounds does damage to road surface equivalent to that of 9,600 cars. Yet incredibly enough, the current formula fails to recognize that reality. H.R. 5504 remedies this situation.

Other provisions of title I make various improvements in highway law, or reflect specific concerns that may be unique to the communities around the country which they impact. Section 137, for example, authorizes necessary sums to prepare an envirnomental impact statement to study all possible alternative routes and options in addressing traffic capacity in the Richmond/Willowbrook corridor on Staten Island. With respect to this provision, neither the Richmond Parkway extension or any other alternative should be given priority consideration. Rather, all alternatives should be given equal consideration, including the option of taking no action at all.

Although as I said earlier, this entire bill is essential if we are to continue in the spirit of the 1982 Surface Transportation Assistance Act. Title II is required simply to fulfill a promise that was made with the enactment of that landmark legislation.

Title II is the transit title. When we passed the 1982 act, the best available projections speculated that the penny fuels tax with which we fund the mass transit account of the highway trust fund would raise about $1.1 billion per year. The Congressional Budget Office now says, and testified to this before my subcommittee earlier this year, that the penny can support an annual program of $1.5 billion. Those of us who were here in 1982 were committed to the notion that, if we were to increase the fuels tax on the people of our districts and the Nation, we owed them the assurance that the revenues would be used to improve the country's transportation system with the full 1 cent committed to public transit.

To fulfill that promise, we are now compelled to increase authorizations out of the transit account to $1.5 billion. And of course, the transit needs of this Nation are so outstanding, that this $1.5 billion can be well spent while barely putting a dent in the demands made upon those funds.

The creation of the transit account was a major accomplishment of the STAA. For the first time, we would have a dedicated, assured source of revenue for transit capital projects. As with the highway program, and indeed this feature of the highway program has been instrumental in making it a strong one, transit capital funding would now be above the vagaries of year-to-year macroeconomic concerns. It would now be a direct spending program, and one in which the Government could enter into contractual obligations based solely upon available authorizations.

Title II contains provisions that will allow us to more fully utilize the contract authority that was created in the STAA and preserved on the floor of the House by a convincing margin.

Mr. Chairman, it has been estimated that $19 billion would be required to meet all the new rail start needs that have been articulated by cities around the country. Although I suppose there are few who are more supportive of this type of project than I, or who are more certain that we will eventually see the need to help fund the vast majority of them, it is equally clear to me that we will not have the resources, even with this bill, to do this anytime soon. So, it becomes our responsibility to help assure that only the best projects receive funding. Title II establishes objective criteria that will be used to evaluate these projects and help make such an assurance.

There are other important provisions in title II, and they surely merit the support of our colleagues.

Title II will amend, for the first time, the Uniform Relocation Assistance Act of 1970. The U.R.A. is the program under which the Federal Government compensates persons and businesses dislocated as a result of federally funded projects.

To sum, H.R. 5504 is a fine bill containing many important provisions that will surely improve the Nation's transportation network. While none of us may feel that each and every section of the legislation is vital, we should all be able to agree that the Nation's highway and transit programs will be well served by its enactment.

The CHAIRMAN. The gentleman from California (Mr. ANDERSON) has consumed 7 additional minutes.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the full committee, the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. I thank the gentleman for yielding this time to me. Mr. Chairman, I am pleased to rise in strong support of H.R. 5504, the Surface Transportaiton and Uniform Relocation Assistance Act of 1984, and urge Members to vote for its passage by a decisive margin.

This is important and much-needed legislation, as I believe Members will recognize when they look at what is in this extensive bill.

Take the highway title, for example. This contains congressional approval of the interstate cost estimate for the remainder of this fiscal year and all of the next fiscal year. Enactment of this provision will make possible the final catchup apportionments necessary to overcome the effects of delays in getting out all of the interstate construction funds authorized for this year. And, of equal importance, it will make possible the timely apportionment of next year's funds without delay next October 1.

The provision alone, making possible the restoration of stability to the interstate construction program, in itself is worth the effort to get this bill enacted. No one who has been deluged, as I have been, by requests for help from colleagues, from States, and from the highway construction industry when the interstate cost estimate was being held up, could challenge that statement.

When you add up the total estimated amount being made available for apportionment in the remainder of this fiscal year and the next fiscal year for interstate construction and interstate transfer highway and transit projects, you get a total exceeding $6 billion. The Department of Transportation estimates that such expenditures translate into direct employment on the basis of 32,000 jobs per billion dollars in authorizations, which means that the ICE approval we are voting upon today will result in more than 192,000 jobs.

The highway title also contains a number of other provisions. These include necessary technical amendments, a number of projects to demonstrate the latest techniques for accomplishing certain safety and transportation objectives, and an increase of $100 million per year in the set-aside of bridge replacement and rehabilitation authorizations for discretionary allocation. And they include amendments to "buy America" provisions of existing law, one of which I was pleased to offer and which reinstates the protection of domestic cement from Canadian and Mexican imports.

Title II deals solely with the public transportation programs. However, by increasing the authorization for discretionary transit capital from $1.1 bil-

lion to $1.5 billion per year, it reaffirms a principle which we have long and vigorously defended in the highway program with some success. That principle is that the user-supported trust fund should finance the highest level of authorizations of which it is capable.

There is another important aspect of this title. It seeks, in recognition of the great demand for discretionary capital funds versus limited availability of resources, to establish a mechanism to encourage development of the most meritorious projects. The Urban Mass Transportation Administration would apply its best judgment in evaluating new-start projects against statutory criteria, and would submit its best estimate as to overall capital needs on a periodic basis for statutory approval. But the Congress would remain in control of the program, as is appropriate.

The third title deals with the Uniform Relocation Act, and makes necessary improvements in benefits and coverage of that act, the need for which has become apparent since its enactment in 1970.

Aside from the merits of the bill, Mr. Speaker, I recognize that some controversy has arisen over the legislation and I would like to say a few words by way of perspective. The administration is threatening to veto the bill. But the threats have been carefully couched in terms of the bill "in its current form." We have a pretty good record of going to conference with the Senate on widely differing versions of legislation and emerging with a compromise product ultimately signed into law. I would ask my colleagues on this side of the aisle to recall how many times the administration has asked us to walk the plank in opposition to a bill only to have the bill signed into law. In that connection, I would only ask a strong vote for this bill to strengthen our position in conference.

Much seems to be made of the fact that individual projects are included in the bill characterized by some inflated estimates of their cost. Again, this is invariably the "situation normal" for major surface transportation legislation. The only response necessary is that these provisions are intended to reflect a priority of those elected to serve instead of delegating that authority in toto to the faceless bureaucracy. These are perfectly legitimate and worthwhile projects, are chiefly on the regular Federal-aid systems, and which meet particular needs not being addressed under the nationwide program. All funded out of the Trust Funds, they represent an extremely small portion of the funds authorized for the highway program—less than 2 percent—and, like any other provision of the bill, will be subject to conference with the Senate.

Finally, there has been some concern expressed about the provision of this bill dealing with the mass transit discretionary capital funds and the funding approval process. The only necessary response is that this is totally consistent with the action of this House, taken in connection with passage of the Surface Transportation Assistance Act of 1982, in providing contract authority for transit capital financed by the trust fund.

Mr. Chairman, the bill H.R. 5504 makes a number of totally worthwhile improvements in our surface transportation programs, and merits a strong vote on initial House passage. This will help the leadership on the Committee on Public Works and Transportation to work out a balanced compromise with the Senate which will recognize the priorities of both Houses while ultimately obtaining the signature of the President.

The chairman of the subcommittee made a couple of points in his remarks with which I would like to associate myself. Mr. ANDERSON mentioned the Notre Dame Bridge in Manchester, N.H., as a worthy candidate for funding as a discretionary project. I have been contacted by the senior Senator from that State and would certainly concur. My friend from California also clarified the fact that the environmental impact statement authorized by section 137 is totally neutral as to whether any particular highway option should be given preference.

□ 1330

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

Mr. Chairman, I associate myself with the remarks made thus far in this debate by the distinguished chairmen of the full committee and the subcommittee and by the distinguished ranking member of the full committee. I believe they have accurately and quite well explained this legislation.

I rise in strong support of this legislation, Mr. Chairman, because this legislation comes to grips with solving America's transportation problems. This Congress, or more accurately, a previous Congress, increased the gas tax from 5 cents to 9 cents per gallon, and with that we made a commitment to the American people that those tax dollars taken from transportation users in America would be dedicated to transportation expenditures, specifically through a dedicated highway trust fund, and for the first time in the history of this country we created a transit account within the trust fund, and 1 cent was dedicated to that transit account.

By doing that, we were able to address the badly needed improvements required across America in our surface transportation system. Highway authorizations, which had been about $8 billion a year, were able to be increased to about $14 billion a year, and for the first time in our country's history we were able to dedicate a little over $1 billion a year to the transit account in the trust fund, committed to transit uses.

Now, the administration or at least certain elements in the administration have said that they oppose this bill, and as I understand their positions, they say they oppose this bill for two reasons: First, because of the funding levels, and second, because of the so-called special interest projects in this legislation.

Taking the first point first, the funding levels, this legislation is virtually unique among the various bills we consider in this House because the funding does not come or the expenditures do not come from the general fund but, rather, from the trust funds. The expenditures come from dedicated user taxes, dedicated and committed, and they only can be spent for highways and public transit. And in fact under the law there can be no deficit spending. The Secretary of the Treasury must certify that adequate funds are in these trust funds, so that there can be no deficit spending, which indeed is almost unique as we consider the many different kinds of bills and legislation which pass through this body.

And so to suggest that the funding level is somewhat too high, I believe, suggests in effect that, first, we should tax the American people, tax them and tell them we are going to take their user moneys, bring that money into the Treasury, and then not spend it, but then, instead, let it build up into a surplus, as has happened in years past, so that we can help mask the size of the general fund deficit.

I suggest that this is unethical. It is unethical for us to tax the American people for a specified use, put that money into a trust fund, and then not spend it. The Congressional Budget Office is very clear in indicating that the funding levels which we propose here can be satisfied by the flow of funds into the trust funds, into the highway account and into the transit account. Having taxed the American people, it would be almost criminal for us now not to expend those funds on badly needed highway and transit projects.

So for that reason alone we should reject the specious argument of those who say the funding levels here are too high. The funds are there to be spent, and they should be spent because of the many badly needed transportation projects in America.

The second point, which deals with their argument that there are special interest projects in this bill I find awfully difficult to understand. What they are suggesting is that it is per-

fectly all right for a faceless, nameless bureaucrat downtown or in some State capital to decide where Federal tax dollars should be spent for transportation, but it is somehow wrong for the Members of Congress elected by the people to come before our committee and make the case that there is a badly needed stretch of highway required or badly needed funding for transit in America's cities and rural areas, that somehow that is wrong and smacks of special interest.

Well, if saving lives by improving America's highways is a special interest matter, then I plead guilty. If improving America's highways and transit systems so the American people can move more economically and efficiently and comfortably across America's highways and in their transit systems, then I plead guilty. These are the "special interests" which I hear being talked about, and based on my definition of "special interests," this certainly does not conform.

So I say that we should reject out of hand the notion that, because we have identified and are giving priority to certain projects which are badly needed to improve America's transportation system, somehow this is "special interest."

□ 1340

It is not, it is in the public interest because it is the American people across America who will benefit.

One final point, Mr. Chairman. I would say especially to my colleagues on our side of the aisle that the minority on the Public Works and Transportation Committee has been fully and completely involved in this process. I have served on other committees where, sad to say, that is not the case, but if you have to be in the minority around this House, I submit there is no better committee to serve on than the Public Works and Transportation Committee or, indeed, if you happen to be a member in the minority, but not serving on that committee, there is no better committee to turn to, because there is not a partisan bone, there is not a partisan piece of pavement in this legislation. There is not a partisan strip of paint in this legislation.

This is the only bipartisan piece of transportation legislation, I can assure my colleagues, especially on our side of the aisle, that the minority has been completely involved with.

I would suggest that should there be an uncontrollable urge to somehow turn this into a partisan issue that if, indeed, our surface transportation legislation were to become partisan, it is those of us in the minority who would suffer. Fortunately, that is not the case thus far with our committee.

Therefore, I think this is one more reason why my colleagues, especially on our side of the aisle, should be supportive of this legislation, because it has been crafted in a totally bipartisan, open fashion.

So for all those reasons, Mr. Chairman, I urge strong support for this much-needed legislation.

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

Mr. SHUSTER. I cannot yield because of the time. If there is time left over, I will be happy to yield to the gentleman later.

Mr. ANDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. DYSON).

Mr. DYSON. Mr. Chairman, I would also like to thank the distinguished chairman of the subcommittee and his staff for the help they have given in this legislation.

I rise in strong support of H.R. 5504, the Surface Transportation Act. This bill approves the interstate cost estimate for the remainder of fiscal year 1984 and 1985, releasing important funds to the States for interstate highway construction, including those for my own State of Maryland.

One section of this bill sets aside money to fund the Federal Highway Administration's discretionary bridge program. The people of Maryland's First Congressional District, whom I represent, depend upon many bridges to travel from place to place, particularly on the Eastern Shore. Every Member who has ever traveled to the Chesapeake Bay or the Atlantic Ocean shore in my district has crossed numerous spans to get there. Ground transportation in the First District without bridges is simply impossible.

In the committee's report it instructs the Secretary of Transportation to assign priority in the use of discretionary bridge funds to several bridges, including the U.S. Route 50 bridge over the Choptank River at Cambridge, Md. This is a particularly important item for Dorchester County, Md., because the current span is in very poor condition and the Federal Highway Administration has been unwilling to take action on it to date.

Mr. Chairman, is it the committee's intention that the Secretary of Transportation assign the highest priority to use discretionary bridge funds to work with the State of Maryland on the Choptank River bridge?

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

Mr. DYSON. Yes; I yield to the gentleman from California.

Mr. ANDERSON. Yes; it is the committee's intention that Secretary of Transportation Dole assign high priority in using the discretionary bridge funds for the Choptank bridge project.

Mr. DYSON. I thank the chairman for his comments and his support of this important bridge project in Maryland's First District and for his continued leadership in developing our Nation's infrastructure.

Mr. McNULTY. Mr. Chairman, my subcommittee chairman, the gentleman from California, has done a heroic job in synthesizing a remarkable number of opinions that cover a remarkable range of subjects. I thank him for that.

I tell you this afternoon, speaking as one informed on the subject, this is an excellent bill with but one important deficiency. That deficiency is the total change in the formula by which the 4R fund will be distributed to the States henceforth if this becomes law. Under current law for the repair, rehabilitation, resurfacing, and reconstruction of your highways, States receive, from a nearly $3 billion pot, funds that are calculated in part based upon the number of miles for which you must care. Incredibly enough, this bill will suggest that the amount of interstate highway with which you are charged and for which you must care and which you must repair or resurface is no longer an item to be taken into account in deciding how much money you will receive for that purpose. To that end, I propose to offer an amendment that will say that the current formula, the current law with regard to the 4R is adequate. It has worked for this Nation and it should not be summarily done away with.

Mr. ANDERSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the legislation. I want to thank the chairman and his staff for their fine cooperation on the legislation.

I think the most important and perhaps central part of the bill is the interstate cost estimate which releases construction funds for the next 18 months, which I think all States can use.

I want to also include a project that the chairman did see the need to include, which really means a lot to our community concerning providing a much needed transportation link for the Fremont area and many businesses located in the industrial valley adjacent to that area, which means a lot to about 2,000 people who have jobs that they need in this area.

One of the sections I am pleased with was the kind of compromise for section 135 which provides that it requires the Secretary of Transportation to conduct a study to determine whether Federal highway funds are being distributed equitably.

I want to take my own State of Ohio as an example. We used to get about 61 cents for every dollar our people contributed to the trust fund. That was corrected. Now it is 85 cents for every dollar.

There are 10 other States like ours that are donor States. We have not

taken a look at this issue in a long time. I have introduced a comprehensive piece of legislation to correct what I think is inequitable treatment.

It is interesting that most of the donor States have the greatest transportation needs, our State being one of them. While I did not get the legislation comprehensively added to the bill, I am very pleased that we have a study to look at the relative treatment of those States that are donor States to the trust fund. I am pleased by that. I wanted the chairman to know I was pleased publicly.

I ask my colleagues, particularly those who are from those donor States, to go along with the bill this time. I think it is the right thing to do.

I want again to reiterate my support for the legislation and I thank the chairman for the time.

Mr. SHUSTER. Mr. Chairman, the gentleman from Pennsylvania was looking for recognition and I yield 1 minute to the gentleman from Pennsylvania.

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

I wanted to interrupt the gentleman as he was speaking, to compliment the gentleman. He made two important points. One about the cost and one about the bipartisan nature of our committee.

I think we have worked on this legislation in a very cooperative way.

It is a very tough issue, dealing with a lot of peculiarities in projects throughout the country. For example, there are some safety decision projects, particularly in the area of bridge relocation and some of the orphan bridge questions relating to railroads that are very reasonable and important.

I just wanted to commend the gentleman for his leadership on the committee. I think we have ended a confrontation between rural and urban communities by looking at public transit in new ways. I think those of us from urban areas are looking at highways in some new ways.

I commend the gentleman for his action on this legislation.

□ 1350

Mr. SHUSTER. I thank the gentleman for his very kind words.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

At the outset, I would like to thank the leadership of the Committee on Public Works and Transportation for their fine efforts in bringing this legislation to the floor. The gentleman from California (Mr. ANDERSON), chairman of the Surface Transportation Subcommittee, and the gentleman from Pennsylvania (Mr. SHUSTER), the ranking minority member on the Surface Transportation Subcommittee, have done a commendable job in fashioning the bill before us today. In addition, the gentleman from New Jersey (Mr. HOWARD), chairman of the Public Works Committee, and the gentleman from Kentucky (Mr. SNYDER), the ranking minority member of the Public Works Committee, have provided valuable leadership during consideration of this important piece of legislation.

H.R. 5504 is a vitally needed piece of legislation. It contains congressional approval of the interstate cost estimate for the remainder of this fiscal year and all of next year. Its enactment should prevent a recurrence of the delays and disruption which affected the Interstate program and related activities as a result of congressional inability to approve an ICE in late 1983. The bill also contains an important provision assuring that any shortfall in meeting the obligation ceiling in fiscal year 1984 could be compensated by an upward adjustment in the ceiling for fiscal year 1985.

I am particularly interested in several provisions of the bill that affect my congressional district and the State of Arkansas.

Section 112(d) of the bill authorizes $8.5 million in contract authority from the highway trust fund for a highway project to demonstrate the economic growth and development benefits of widening and improving traffic signalization of a segment of the Federal-aid urban system connecting a community college and a large commercial center. At the present time, this segment, approximately 2.03 miles in length, is a 30-year-old, narrow, two-lane road. With the increased traffic from Westark Community College and the new Central Mall, this has proved to be a major source of congestion for the 45,000 vehicles that travel it daily.

In addition to the Fort Smith project, the bill contains several provisions to encourage and expedite the upgrading of U.S. Highway 71. Highway 71 is extremely important to northwestern Arkansas, both in terms of moving people and goods, and in terms of fostering the economic development of the area.

Section 112(i)(3) authorizes the Secretary to carry out a project to demonstrate methods of improving highway safety and accelerating reconstruction of a two-lane segment of U.S. 71 between its junction with I-40 and I-540 in the vicinity of Fort Smith and the boundary between the States of Arkansas and Missouri as a four-lane facility. A total of $25 million—$10 milion in fiscal year 1985 and $15 million in fiscal year 1986—in contract authority from the highway trust fund would be provided for preliminary engineering, design, right-of-way acquisition and relocation activities in connection with the project. These funds are over and above Arkansas' normal Federal-aid highway apportionments.

Moreover, section 115 of the bill authorizes the State of Arkansas to use interstate construction funds apportioned to it for the planning, design and construction of U.S. 71 from I-40 to the Missouri line as a four-lane facility. Since Arkansas is one of several States receiving the minimum one-half of 1 percent of Interstate System authorizations provided by law—since Arkansas has completed its Interstate System—the effect of this provision is to place this project on an equal footing with interstate 4R work in the use of the State's apportionment. It is the intent and expectation of Congress that the State use interstate construction funds for design and construction of U.S. 71.

In addition to these provisions, section 121 of the bill changes the interstate 4R formula from one which apportions funds 55 percent on the basis of interstate lane-miles and 45 percent on the basis of interstate vehicle miles traveled to a formula which apportions 50 percent on the basis of interstate vehicle miles traveled, 25 percent on the basis of gasoline consumption, and 25 percent on the basis of diesel fuel consumption. According to the Federal Highway Administration, this formula change would benefit the State of Arkansas. For example, FHWA estimates that Arkansas' 4R apportionment for use in fiscal year 1985 would be increased from $31.7 million to $33.5 million as a result of the formula change. Not only would this help the interstate 4R program but it could help to expedite construction of U.S. 71. As you know, Public Law 98-229, the 6-month ICE bill enacted earlier this year, contained a provision authorizing the State of Arkansas to use interstate 4R funds to upgrade U.S. 71. Thus, the increase in interstate 4R funding for Arkansas, if the 4R formula change is enacted, could be used on U.S. 71.

While these provisions will directly benefit my congressional district, I would like to again point out that this legislation will also provide the necessary funding for major national highway programs and is vitally needed.

In closing, Mr. Chairman, I would be less than frank if I did not indicate that this bill faces considerable opposition from both the Senate and the administration, and that its ultimate fate, as well as the fate of the individual provisions contained in it, is uncertain. However, I am hopeful that, as in past years, these problems can be worked out and that a bill acceptable to both the House and Senate can be sent to the President for his signature.

Mr. Chairman, I would urge my colleagues to support H.R. 5504.

Mr. ANDERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

Mr. Speaker, I also want to commend the members and staff of the Surface Transportation Subcommittee and the Public Works and Transportation Committee for their efforts on this bill. The issues they dealt with were diverse and very complicated. They have treated these issues in a fair and equitable manner and have taken steps to avoid repetition of the expensive delays we encountered this year with the interstate cost estimate.

A particular provision of this bill, section 132 of title I, will allow Puerto Rico to develop its infrastructure and bring it to parity with other States. The section allows Puerto Rico the same degree of flexibility as is currently accorded to the State of Alaska in the use of highway funds. Puerto Rico will be allowed to use funds from the different program categories to suit our particular highway needs and disregard categorical restrictions.

Highways constitute the most critical infrastructural element required to generate, attract, and retain increasing economic development. Puerto Rico's modest infrastructural development has been largely responsibile for the level of socioeconomic development reached to the present date. At this stage of development it is crucial that Puerto Rico expand its infrastructure, in order to attain stateside levels.

Due to our pressing highway needs and to present economic conditions, Puerto Rico cannot afford allocating available fiscal resources, both Federal and State, other than those in areas and projects where our real needs are.

This provision will allow such allocation of resources, and will allow Puerto Rico to develop the main commercial and industrial routes which will insure continued growth.

It is important to note that this provision is budget neutral; no additional expenditures will be required to achieve the degree of development which the island needs at this time.

In conclusion, this flexibility in the use of highway funds will allow for major commercial routes to be developed; the list of priorities prepared by the Puerto Rico Department of Transportation will be completed and a more efficient surface transportation system can be developed for the island. This is all possible because this provision allows Puerto Rico to disregard the categorical restriction imposed on highway funds.

Once again, I want to recognize the efforts of the members of the subcommittee and committee and urge my colleagues to support this legislation.

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

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I rise in support of this legislation. Like Members who have spoken before me, I would like to take this opportunity to personally thank the gentleman from California (Mr. ANDERSON), chairman of the Surface Transportation Subcommittee; the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member on this subcommittee, and all of the members of the subcommittee.

In addition, the gentleman from New Jersey (Mr. HOWARD), the chairman of the full Committee on Public Works and Transportation, and the gentleman from Kentucky (Mr. SNYDER), who is the ranking member on the committee on Public Works and Transportation, and all of the members of this committee for listening to the pleas of the people from Ohio and other areas of this great Nation of ours about their particular transportation and other needs.

We as a body, as you know, raise the money to be spent by the various departments and agencies of Government. I think that it is past time that we tell the people in these departments how some of this money is to be spent. This bill does that in just a small way insofar as highway moneys are concerned.

As has been pointed out by the gentleman from Kentucky (Mr. SNYDER) in the presentation of his remarks, only 1.7 percent of the money being raised through highway taxes passed by this Congress are represented in this bill as demonstration highway projects.

This committee has very wisely included a project which, believe it or not, has been pending for 25 years, 25 years for a bypass around Huron, Ohio. Anyone familiar with this area realizes, they have got a serious problem. You have Cleveland on the east, you have Toledo on the west. There is a four-lane highway on both sides of the community of Huron, Ohio. And then it merges into a two-lane highway and pours heavy traffic into this community.

Leading out of this community is an amusement park called Cedar Point which is very similar to Disneyland. During the summertime it attracts thousands and thousands of people and the traffic is lined up outside this community for 3, 4, 5 miles at times. Not only have the people of Huron suffered from unnecessary air contamination for years but the economic health of the community has suffered as well. It is past time that all of the traffic burdens of this community come to an end.

I want to compliment the members of the subcommittee and the full committee for including the solving of this tremendous problem in this bill.

Mr. SNYDER. Will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for his comments. I think the description you have given of this particular problem in your area really emphasizes the fact that the Members of Congress, elected by the people, understand the particular hardship problems that may exist in their district perhaps better than the people who are sitting in one of these big stone buildings that we have downtown. This is the way to address those Members' problems and Members who look after their constituents, by getting these problems taken care of and not relying upon the bureaucrats, are representing their people well.

I thank the gentleman for his comments.

Mr. LATTA. I agree with the gentleman from Kentucky completely and thank him for his comments.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. CLINGER), a member of the committee.

Mr. CLINGER. I thank the gentleman.

I want to add my congratulations to the gentleman from California and the gentleman from Pennsylvania who have been instrumental in drafting this bill.

I just want to underscore one very important point about this bill which is that it does, indeed, extend the interstate cost estimate for 18 months.

Last spring or this spring, really, we nearly created chaos throughout this country because we delayed so long in approving the 6-month extension. And a number of projects were placed in extreme jeopardy by that failure.

We have a crying need to bring some consistency, some sense of coherence to our investments in infrastructure, and I think this extension for 18 months is going to provide at least a sense of predictability and a consistency which will permit the State highway departments to go forward.

I think that if this bill fails we are again going to jeopardize the construction of a vast number of vital highway projects in this country and I think that would be a great tragedy. So I would urge support of the bill if for no other reason than to insure the interstate cost estimate for an additional 18 months.

I thank the gentleman for yielding.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. I congratulate the committee for putting this bill

together. Much of the bill is very commendable.

However, I would like to associate myself with the remarks of Representative McNULTY. The formula in this bill drastically changes the current situation.

I am going to support an amendment later to phase this in over a period of time, rather than all at once. You have States like Montana, Oregon, Utah, Arizona, and others that are losing 40 to 65 percent of the funds they have, yet they have a large amount of highway to maintain.

Severe weather, floods, and ice conditions have caused damage to these highways.

The States which lose include: Alabama, Mississippi, and South Carolina in the South; all of the New England States except Connecticut and Massachusetts; Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota in the Midwest; all of the Western States except California, plus Delaware, the District of Columbia, West Virginia, and Puerto Rico.

I think you need to take a good look at the formula to see what we are doing. If the formula needs adjusting, the change should be made gradually.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentlewoman from California, (Ms. FIEDLER).

Ms. FIEDLER. I thank the gentleman very much.

□ 1400

Mr. Chairman, I rise in opposition to the mass transit provisions in H.R. 5504. As a member of the Budget Committee, I am particularly concerned about the new level of mass transit authorizations and the provisions for binding, multiyear contract authority.

This legislation changes the law passed in 1982, which authorized $1.1 billion annual direct spending from the mass transit account of the highway trust fund, and increases the spending ceiling to $1.5 billion. The change is premised on a single Congressional Budget Office estimate that the mass transit account "appears capable" of supporting that much more in annual authorizations.

In fact, the Congressional Budget Office has made clear that theirs is an accounting judgment, conditioned on several important factors. One consideration is that a drop in interest rates could, in their words, "place the $1.5 billion program in jeopardy." More important, the CBO pointed out in their testimony to the Public Works Committee that—

> Any increase in authorizations should be justified by the existence of cost-effective projects. * * * There is cause for concern in the evidence that new rail systems have not always been able to achieve the benefits expected of them.

Many past investments in rail systems do not appear to have been cost-effective from the point of view of the Federal Government.

Although some may claim that CBO and the Office of Management and Budget are at odds on this issue, I would suggest that the Office of Management and Budget extends CBO's accounting judgment and analyzes what realistically may happen over the next few years. By comparing cumulative authorizations and revenues, they came to the conclusion that no major surplus of revenue exists to fund a mass transit program of magnitude of $1.5 billion. Their study indicates that if authorizations are increased to $1.5 billion as proposed in this bill a small $250 million surplus will become approximately a $540 million deficit by the end of 1986. Furthermore, extending the $1.5 billion yearly authorization for another 4 years would raise the cumulative deficit to about $900 million by the end of 1990.

Advocates of the higher spending levels point to the Byrd amendment provision which prohibits unfunded authorizations from exceeding 1 year's worth of receipts and forces an automatic reduction in funds to all States if that occurs. Unfortunately, this is not an adequate safeguard against deficit spending. It is, instead, a drastic stopgap measure which forces cutbacks and interruptions on transit projects nationwide.

The Office of Management and Budget also warns that increased authorizations now will likely lead to further demands for Federal funds in 1987-90 as newly funded heavy rail capital transit projects hit their peak construction periods and require additional funding. Conservatively, this demand could add $300 million a year to subsequent authorizations. If so, by 1990, the deficit in the transit account would be over $2 billion, requiring a tax increase to maintain the integrity of the fund.

The second objection which I have to this legislation concerns the multiyear contracting provisions, which are a potential danger to the participation of the Congress in the decision-making process and to both UMTA's and Congress oversight of transit projects. The Congressional Budget Office pointed out in a May 29 letter to my office that—

> There is a real risk that promises made in the first year of this provision will fully commit contract authority authorized for future years. This would greatly restrict the freedom of both the Congress and UMTA to make future adjustments in either program or spending levels. For example, transit proposals made in later years would either have to be delayed until the next authorizing bill (perhaps as long as 4 years) or higher authorizations would be required. This in turn could put unplanned pressure on both the trust fund and the budget deficit. While useful in some cases, multiyear contract authority should be considered very carefully because of limits it places on the Congress in adjusting future budget priorities and because of its implications for changing the balance between the authorizing and appropriating committees.

If funds are obligated upfront, projects will have very little incentive to comply with regulations and be cost effective.

Advocates of this bill claim an ethical responsibility to the American people to spend all of the money in the trust fund as quickly as possible. Unfortunately, the long-term consequences of this seemingly ethical action will be to jeopardize the stability and integrity of the mass transit trust fund in the future.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut, (Mrs. JOHNSON), a member of the committee.

Mrs. JOHNSON. Mr. Chairman, as a member of the Committee on Public Works and Transportation, I raise in support of this bill and believe that all of my colleagues should be aware of the importance of the bill that we are considering today and, in particular, several provisions dealing with the study of the fairness of the allocation of the 5-cent gasoline tax revenues, Federal bridge formula and the buy America section of highway law.

Section 136 of the bill requires the Transportation Research Board of the National Science Foundation to undertake a study of the Federal bridge formula. The committee has requested this study, which I offered during markup, because it believes that the technical justifications for the current formula contained in section 127(a) of title 23, United States Code, may not conform with contemporary engineering standards. There exists a body of information that indicates that the current bridge formula may not accurately indicate the load bearing capacity of the bridges found on the Interstate Highway System. Hence, the committee expects the Transportation Research Board to identify deficiencies in the current bridge formula and recommend modifications, if any, that would bring the formula more into line with the structural capacity of interstate highway bridges. The Research Board also will investigate alternate means of regulating truck weights on interstate highway bridges that would be less cumbersome to apply and easier to understand.

Mr. Chairman, section 131 of the Surface Transportation Act deals with that requirement of Federal law commonly known as Buy America. Let me first thank the committee for understanding Connecticut's plight in this regard and for appreciating my State's efforts to attract investment and job opportunities to its cities and towns.

While H.R. 5504 increases the Buy America requirement for transit vehicles acquired under the Urban Mass

Transit Act to 85 percent from 50 percent, it applies to vehicles manufactured or assembled at a facility that was not performing such work prior to July 1, 1984. This date is important to my constituents because a foreign bus manufacturer, though it has invested over $6 million in a new plant in Connecticut, was not in full operation producing buses for commercial sale until early this year.

The responsible partnership of State, local, and Federal interests that led to this investment in American workers cannot be dismissed simply because a foreign-based corporation is involved—especially in light of the fact that its investment was not subsidized by its government in any way. I am pleased that this legislation recognizes this investment as well as the investment made by the State of Connecticut and acknowledges State economic development policies in the formulation of Federal law.

Mr. Chairman, I urge my colleagues to support this important authorizing legislation.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) has 4½ minutes remaining.

The gentleman from California (Mr. ANDERSON) has yielded back the balance of his time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise as a member of the Subcommittee on Surface Transportation in strong support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

This legislation is a renewal of the commitment made by the Congress to complete the Interstate System in the landmark Surface Transportation Assistance Act of 1982. As its centerpiece, H.R. 5504 approves an interstate cost estimate for the remainder of this fiscal year and for all of fiscal year 1985.

Congressional approval of the ICE will enable the States to proceed with essential Interstate System construction. In my State of West Virginia, these funds will be used to complete I-64 between Sam Black Church and Beckley, and to finish construction on I-77, the West Virginia Turnpike.

I would like my colleagues to understand that due to West Virginia's rugged terrain, the cost of highway construction is extremely high. As such, there are presently many areas of the State not accessible by modern highways.

In an effort to alleviate this situation, H.R. 5504 in section 112(m) authorizes the Secretary of Transportation to carry out a $30 million highway demonstration project in the vicinity of Pardee, W. Va. The purpose of this project is to demonstrate the improvement in motor vehicle transportation of energy resources resulting from the completion of a consolidated network of modern highway. The Federal share of this project is 100 percent.

This project would provide a direct transportation corridor between Beckley and Logan, W. Va. These municipalities are the nerve centers of two of the State's most abundant and active coalfields, yet no highway facilities directly links them at this time.

It is the intent of the committee that this project be constructed as a two-lane modern highway with full shoulders. This would be compatible with highway sections previously built between Route 85 in Boone County and Bolt in Raleigh County and between Man and Pardee in Logan County.

The completion of this highway would expedite the transportation of coal from active mines and increase the feasibility of opening new mines in the region. Indeed, the benefits of closing this gap would be found in economic as well as transportation activities.

Title II of this bill continues the Federal commitment to the mass transit needs of the Nation. While it is often thought that only large cities benefit from Federal mass transit assistance, many smaller cities such as Huntington, W. Va. have great need for assistance so that essential transportation services and opportunities may be provided. This is especially true with respect to operating assistance provided under the section 9 program.

Under H.R. 5504, section 211 reauthorizes the "3 for 2" trade-in of section 9 construction for operating assistance. It is my understanding that the Tri-State Transit Authority in Huntington finds great merit in this program, further enabling it to supplement fare-box and local share revenues to the benefit of the people of Cabell County.

Mr. Chairman, I commend my subcommittee chairman GLENN ANDERSON, and full committee chairman, JIM HOWARD, for bringing this legislation to the floor today. I urge my colleagues to vote for this most important bill.

● Mr. MINETA. Mr. Chairman, I rise in enthusiastic support for H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

This is a timely, thoughtful, and well crafted bill, which successfully resolves a series of important surface transportation issues.

The highway portion of this legislation includes an 18-month approval of the interstate cost estimate, which each of our States rely upon for the smooth administration of their highway programs. Numerous other worthwhile provisions are included in this highway section.

The mass transit section expands the authorization for section 3 discretionary grants from the mass transit account of the highway trust fund to $1.5 billion in fiscal years 1985 through 1987. This expansion is a fulfillment on our part of our commitment to return to the public for transit uses those funds generated by the penny of the 5-cent gas tax that is dedicated for transit.

I strongly believe that when we raise funds from such dedicated user fees, we must use those funds for the purposes stated when the taxes or fees were imposed.

The third portion of the bill includes a long overdue and much needed revision of the Uniform Relocation Act, which has not been revised since 1970.

Current relocation practices are—despite something called a Uniform Act—anything but uniform. We have more than 20 different sets of regulations and guidelines, creating a complex web of rules and standards which State officials must struggle to implement fairly.

This revision before us today is entirely consistent with the principles of the 1970 act, which are that any person forced from their home by a Federal project is entitled to be relocated into a new home no less desireable than the one we forced him or her from.

I congratulate our chairman, the gentleman from New Jersey (Mr. HOWARD), our subcommittee chairman, the gentleman from California (Mr. ANDERSON), for their efforts in bringing this bill to the floor today, and the ranking member of the full committee (Mr. SNYDER), and of the subcommittee (Mr. SHUSTER).

This is an important piece of legislation, and I urge its adoption.

Thank you.●

● Mr. PEASE. Mr. Chairman, I rise today in support of H.R. 5504, the Surface Transportation Act, and I would like to call the attention of the House to the fact that this bill contains a demonstration project of longstanding interest and importance to me.

The city of Huron, Ohio, formerly in my congressional district and now in that of our colleague, DELBERT LATTA, for years has been subject to traffic problems stemming from incomplete development of Ohio Route 2.

Huron is located to the east of a major amusement park that is heavily patronized by residents of Cleveland, eastern Ohio, and western Pennsylvania. These patrons flock to the Cedar Point Amusement Park each summer, providing a major source of revenue to the local economy. Unfortunately, State Route 2, which leads to the amusement park, degenerates from

four lanes to two lanes for a 6-mile stretch that runs through the center of the city of Huron. The resulting traffic bottleneck for travelers and local residents is extremely dangerous and has taken lives.

Although planning for a four-lane bypass around Huron was begun in the mid-1960's, problems arose in 1977 when the federally mandated environmental impact statement was released. The bypass would have passed through wetlands surrounding the Huron River. Local officials worked with Federal officials with my full assistance, and those problems have been resolved. The only obstacle Huron City residents now face is that of obtaining funding for the bypass.

Congressman LATTA assumed the role of shepherding the Route 2 bypass project to completion after congressional redistricting in 1982. H.R. 5504 authorizes $15 million for the Route 2 bypass project. In addition to providing better access to the Cedar Point Amusement Park, the bypass will enhance highway safety and encourage economic development in an area still plagued by high unemployment. I urge my colleagues to recognize the importance of a demonstration project like the Route 2 bypass and expedite enactment of H.R. 5504.●

● Mr. LEHMAN of Florida. Mr. Chairman, I rise to explain my vote against final passage of H.R. 5504.

I was very reluctant to do this because I believe the transit program needs additional funds but I believe the transit program needs additional funds but I believe several of the program changes required in this bill will prove to be very detrimental to the transit program.

I am disturbed by three provisions in particular. The first is section 203 which requires that section 3 funds cannot be spent until a funding proposal that is submitted by the Secretary to the Public Works and Transportation Committee is approved in law.

This, in effect, puts the transit program in even a worse procedural quagmire than the highway program is currently in. It allows Congress only 3 months to act on the Secretary's proposal. Given the record we have seen with the highway program, there is no doubt that there will be substantial delays in the availability of section 3 funds. The transit program will be subject to more severe stops and starts than the highway program. Those familiar with transportation know that the "on again, off again" nature of highway funding has caused great consternation in the highway community.

I find this provision particularly curious given the fact that the authorizing committees have long held that the transit program needs more stability in the flow of Federal funds—not less. Even if this 3-month period were lengthened to 6 months or 9 months, I still find it highly doubtful that Congress will be able to pass and the President sign annual transit authorizing bills. The record shows just the opposite.

Another major problem I have is with section 205. That section enacts into law selection criteria for new rail transit projects that have been proposed by the Reagan administration. While these criteria have some merit, they are controversial. No transit interest group to my knowledge has endorsed them. Neither am I aware of any former UMTA administrator from either party who endorses these criteria. These criteria are silent about new start benefits related to economic development or urban form. They could also discriminate against the poorer cities which cannot afford a higher local match, but may actually deserve transit services more because a greater percentage of the poor tend to be transit dependent.

Again, while these criteria certainly are important considerations, I do not believe they ought to be legislated. In point of fact, I believe the Secretary may have similar views on this point.

I also believe that legislating new start criteria will set a precedent that the transit community may want to think twice about. Such a provision certainly will provide an impetus to those who want to establish rail modernization criteria. I understand such criteria are under study within the administration.

Last, I take issue with section 202 which allows the Secretary to make multiyear contractual commitments. I find it hard to believe that the Members would agree to give the Secretary unilateral authority to enter into such contracts which could conceivably lock up transit funds for the life of the authorization.

This provision does a disservice to Congress and to those cities which may not be on the Secretary's favored list. Do the Members really want to give up control over where the taxpayers' transit dollars are being spent? I think not.

In sum, I believe that these three provisions ought to be deleted by the Senate or in conference. Unless they are, the transit program will take a significant step backward.●

● Mr. BIAGGI. Mr. Chairman, I rise in support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984. I consider the bill as reported to be a reflection of our commitment to maintaining, expanding, and improving our Nation's complex highway and mass transportation systems. I wish to first commend the gentleman from New Jersey, Mr. HOWARD as well as Mr. ANDERSON of California, Mr. SYNDER, and Mr. SHUSTER for their leadership in reporting out this critically important bill.

H.R. 5504 as reported by the Committee on Public Works contains a number of critically important features not only to the national transportation picture but to each of our own localities whose economic fortunes can ofttimes depend on a viable transportation system.

Title I of this legislation will allow for an 18-month extension of the authority which will enable construction of the Interstate Highway System to continue. This is an important component of our national transportation system and by continuing to expand the Interstate Highway System—we are doing a great deal more to make this more of a United States of America.

Another vitally important provision contained in title I of this bill is its modification in the formula for apportioning funds for resurfacing, restoring, rehabilitating, and reconstruction of the Interstate System. The modification consists of giving greater weight to actual use by vehicles including heavy trucks. The revised formula would allocate funds 50 percent on the basis of interstate vehicle miles traveled. Twenty-five percent on the basis of gasoline consumption and 25 percent on the basis of diesel fuel consumption. According to at least one account, this will translate into an increase in New York's annual funding by $8.9 million to a total of $107.7 million.

I represent the 19th Congressional District in New York which includes in its boundaries Interstate 95. The portion that is within my district is very heavily traveled and will in the coming months have added to it—trucks carrying spent nuclear fuel. The 4R program is vital to the safe upkeep of this road and Interstate 95 including that part through my district has received some $50 million for an upcoming 4R project which I would expect to accomplish major changes in the highway and lower its tragically high accident rate.

Title II of this bill is of particular importance to me as part of my district includes the city of New York which is so dependent on its system of mass transportation. Title II increases and extends through fiscal year 1987 the authorization for mass transit projects funded from the highway trust fund. In 1982 Congress enacted the Surface Transportation Assistance Act and it set aside 1 cent of the 5-cents-a-gallon gas tax in a mass transit account. The revenues have exceeded the $1.1 billion annual estimate and as a result the committee bill would increase the section 3 urban discretionary grant program by almost $400 million annually to $1.495 billion through fiscal year 1987.

Included in this bill are minimum funding levels which are both reasona-

ble and necessary for the following programs: Rail modernization; new rail starts; and general discretionary mass transit grants.

The bill also provides some $140 million for bus and bus-related grants. I have had a concern for some time about this program and in particular its funding formula. According to an April 9, 1984 General Accounting Office report entitled "Bus Rehabilitation Issues Need Attention."—UMTA's formula has disproportionately favored new bus purchases over rehabilitation projects. Since 1979, UMTA has spent about $70 million to help transit authorities to rehabilitate some 1,900 buses while spending $1.8 billion to help other localities purchase 15,000 new buses. What troubles me is that rehabilitation in many cases is more cost effective than new bus purchases might be. Simple rehabilitation or even refurbishing can extend the life of a bus for as long as 8 years. We know new buses that do not even last 8 months but cost a great deal more. I call to the attention of my colleagues the situation facing the city of New York and its purchase of some 851 new buses from Grumman Corp., all of which have had to be pulled from the streets because of various defects. I submit for the RECORD an article from the New York Times discussing a recent dimension of this problem.

UNITED STATES SAYS CITY OWES $56 MILLION FOR DISCARDING GRUMMAN BUSES

(By Jane Perlez)

WASHINGTON, May 31.—The head of the Federal mass-transit agency said today that New York City was "obliged to reimburse" the Government $56 million because the city's Transit Authority had permanently withdrawn its fleet of Grumman Flxible buses.

The official, Ralph L. Stanley, administrator of the Urban Mass Transportation Administration, told a House subcommittee that he was asking for payment by July 1.

The panel—the Subcommittee on Investigations and Oversight of the Public Works and Transportation Committee—is investigating the Transit Authority's decision to remove the buses on the ground that they were unsafe.

Under questioning today, Mr. Stanley said he had no evidence to support the Transit Authority's conclusion that the buses were not safe.

He said the Federal agency had heard "nothing" from the authority's parent body, the Metropolitan Transportation Authority, to show that there was a "generic" problem with the buses. "We still don't have that evidence," he said.

An M.T.A. spokesman said any reimbursement was to be the subject of negotiation.

According to Mr. Stanley, the $56 million represents 80 percent of the Federal share of the fair market value of the 851 buses, now parked outdoors in the Brooklyn Army Terminal.

The Government contributed about $73 million, or 80 percent, of the total $90 million cost of the buses, which were delivered in two batches in 1980 and 1982. New York State paid the remaining 20 percent.

Mr. Stanley said the purchase agreement between the Transit Authority and the Government called for reimbursement of the Federal share of the buses if the local agency unilaterally removed the vehicles from operation permanently without consulting the Federal agency.

He said he would not have insisted on repayment of the Federal share of the buses if the Transit Authority had been willing to consider the possibility of putting the buses back in service at a future date.

The administrator said David L. Gunn, the authority's president, had failed to notify anyone in the agency's Washington or regional offices of his decision to withdraw the buses.

"If the Transit Authority or any authority reached a conclusion that buses were unsafe, we wouldn't hesitate to have them remove them," Mr. Stanley said. "If the Transit Authority had called and said we've reached a conclusion that these are unfit, we are removing them from service, and we'd like to begin an evaluation of the 851 buses and one of the conclusions may be that they permanently be off, we could have worked with them."

Mr. Gunn announced on Feb. 7 that he was removing the buses, which had a long history of mechanical problems, after maintenance officials at the authority told him they could not guarantee the condition of the buses.

Mr. Stanley said he learned of the decision the following day in a newspaper account.

A spokesman for the Metropolitan Transportation Authority, Arthur G. Perfall, said the M.T.A. agreed with Mr. Stanley that the Federal Government had a financial interest in the buses, but he said that "the amount or the form" was to be subject of negotiation.

Mr. Perfall said the board of the M.T.A. voted in April to confirm Mr. Gunn's decision to keep the buses permanently off the city streets. At the same time, the board voted to sue the manufacturer.

The M.T.A. filed suit in State Supreme Court in Manhattan in May charging that Grumman had committed a fraud and had taken part in a conspiracy to defraud the agency. The suit accused Grumman of selling the buses while knowing of flaws in the vehicles.

Mr. Perfall said the M.T.A. would continue to pursue the suit, which stated that it was impossible to keep the buses in operating condition. He said the M.T.A. had no intention of returning the buses to operation.

FIRE ON AN EXPRESS BUS

Mr. Gunn withdrew the vehicles four days after a Flxible bus on an express route from Brooklyn caught fire during the morning rush hour on 57th Street near Fifth Avenue in Manhattan.

Mr. Stanley noted today that the city had conceded that the fire was caused by poor maintenance and that the bus was dispatched without a shock absorber.

Mr. Stanley said he had set the July 1 deadline for payment because he wanted to resolve the future of the buses, which he asserted were deteriorating without maintenance in the outdoor parking lot.

He said he would be willing to consider hiring a consulting company to appraise the value of the buses so that they could be sold to other transit agencies.

Inquiries about buying some of the buses have come from private operators in Queens and from a bus company in Springfield, Mass., Mr. Stanley said.

If the buses are sold, the Federal agency would probably take 80 percent of the sale proceeds and deduct that from the $56 million, a spokesman for the agency, Bonnie Whyte said.

The agency's general counsel, G. Kent Woodman, told the Congressional panel that any cash received from New York City would be returned to the Federal treasury.

Mr. Stanley was subjected to persistent questions from two New York City members, Representatives Geraldine A. Ferraro, Democrat of Queens, and Guy V. Molinari, Republican of Staten Island.

He in turn questioned the authority's maintenance capabilities, saying Grumman Flxible buses were being operated without major problems of private bus companies in Queens.

"You have to wonder whether New York City is conducting its property in a way that they're able to maintain any vehicle at all," Mr. Stanley said.

He said two examinations of the fleet by Federal inspectors since Feb. 7 had failed to reveal flaws of the magnitude reported by the authority.

"A bus which the Transit Authority claimed had a 2½-foot-to-3-foot-long crack actually had a crack 8 inches long which you could not get a penknife into," Mr. Stanley said.

The point I want to make here is identical to that offered by the General Accounting Office—namely that the UMTA formula should be revised so that it provides an identical percentage of Federal funds whether for the purchase of a new bus or the rehabilitation of an existing fleet of buses. At the present time, UMTA provides some 80 percent of the funds for a new bus purchase while less than 60 percent for rehabilitation. If the formula were equalized it would give greater flexibility to localities to make their decisions. The Department of Transportation has in fact agreed to take steps to equalize the formula and I know the chairman is in agreement with this position as well.

Let me conclude with a comment on another important provision of this legislation. It was 14 years ago when I offered an amendment to the Urban Mass Transportation Amendments of 1970 which stated:

It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services, that special efforts shall be made in the planning and design of mass transportation facility and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

I am proud that H.R. 5504 extends this commitment to the elderly and handicapped of this Nation and the programs we authorize in this bill will be accessible to this important segment of our population. We still have a long way to go in my mind before we achieve full implementation of this

provision—but maintaining the language is critical to maintaining the commitment.

One of the more successful programs also extended by this act is the section 16(b)(2) program which provides funds for nonprofit organizations to purchase vehicles for use by the elderly and handicapped. It is an important program which I would hope in future years—increased consideration can be given to providing a certain portion of the funds to go for operating expenses to insure we are getting full value for our dollar.

Again, I support this excellent bill and hope that it gains the swift approval of the House today.●

● Mr. BROWN of California. Mr. Chairman, I would like to commend the diligent efforts of the members of the Subcommittee on Surface Transportation of the Public Works and Transportation Committee regarding H.R. 5504, the Surface Transportation Act. There are many important and worthwhile provisions in the bill and I wish the committee the best in its endeavors.

My general support of this measure is, of course, augmented by a parochial consideration. Among the demonstration projects is $38 million for ground access to Ontario International Airport (OIA), located in my district. This airport is growing by an incredible 20 percent per year. In 1983, 2.5 million passengers passed through OIA; in 1984 that figure is expected to jump to 3 million. This growth is but a mere example of Ontario's potential.

In the late 1970's, the California Department of Transportation (Caltrans) granted OIA an amended permit to expand to serve 12 million annual passengers. The Los Angeles Department of Airports, which operates OIA, proposed to expand its passenger terminal facilities to serve the forecasted demand. But in granting the amended permit, Caltrans required that, prior to expanding the passenger terminals, more specific plans be developed to mitigate additional surface traffic. The present transportation network around the airport is for the most part irregular and intermittent, and is relatively free of congestion. However, by 1995, very few interchanges and intersections in the vicinity of the airport will be operating below capacity. Similarly, peak-hour congestion would occur on all of the major arteries around the airport.

Traditional funding sources for ground access at Ontario had been critically evaluated. Federal, State, and local government funding would have amounted to approximately $11.5 million over a 20 year funding schedule. But OIA and its vicinity are growing too rapidly to depend solely on these programs. The cost burden of ground access to the airport should not be borne primarily by the city of Ontario. The Federal share of $38 million, as provided in H.R. 5504, is only about 50 percent of the total cost of the project. The rest of the money will come from State, local, and private funds. In my opinion, and the opinion of the committee, the Federal share is both equitable and necessary.

Several independent studies, including one by Chase Econometrics, have indicated that the west end of San Bernardino County, which includes OIA, will be among the fastest growing areas in the country during the 1980's. The aviation needs of this region will expand accordingly, far outdistancing the present capabilities of the Los Angeles Airport (LAX) and other satellite airports. John Wayne, Burbank, and Palmdale. Only Ontario has the capacity to absorb this growth, but it cannot do so properly without adequate ground access.

A demonstration project at Ontario can illustrate how essential an integrated transportation network is to a developing community. By determining the right mix of transportation needs, a region can help to insure continued economic prosperity while improving the quality of life for its citizens. The airport, the core of the region's development, will help shape the future and flow of the area's economic development.

As the region expands, OIA will become a centralized airport, serving the needs of the east end of the Los Angeles basin as well as the Nation. This month Delta begins service out of Ontario with advertisements proclaiming easy access to its flights via L.A. West (LAX) or L.A. East (Ontario). Delta is just the beginning. Under a plan adopted by the Los Angeles Department of Airports, Ontario's current 2.5 million annual passengers (MAP) is expected to grow to 12 MAP by the year 2000. True operational capacity would be about 22 MAP. In order to provide for this growth, major improvements in access both on the airport property and offsite are required.

The ground access project at Ontario is not only of regional, but national and international, importance. As a rapidly developing airport in the Nation's most rapidly developing region, it is essential that the needs of the community, region, and nation continue to be met smoothly and efficiently.

I commend the foresight of the committee members. Far too often, we neglect a program until it is too late—until it costs far more than originally anticipated. Action by the House, with support from the other body, will help to alleviate the inevitable growing pains the region will experience. I urge support of this project, not just because the project is in my district, but because it truly serves regional, national, and international needs.●

● Mr. WOLF. Mr. Chairman, I rise in support of H.R. 5504, and in particular want to express my strong support for a provision in the bill affecting the Theodore Roosevelt Bridge which connects my congressional district in northern Virginia with the District of Columbia.

The Roosevelt Bridge provision, which I introduced in separate legislation about 1 year ago, directs the Secretary of Transportation, in cooperation with the Department of Interior, the Commonwealth of Virginia, and the District of Columbia, to develop several options for an inbound lane addition on the existing bridge deck, to be followed by a thorough analysis of the safety and traffic flow factors posed by each option.

I believe that this study is important because the Roosevelt Bridge is over capacity during the morning rush hour. Statistics compiled over 1 year ago prior to the greater utilization of I-66, a major artery feeding into the bridge, show that on May 17, 1983, for instance, 6,439 vehicles used the bridge between 8:15 and 9:15 a.m. That is well over the approximate capacity of 6,000 vehicles per hour on the three inbound lanes.

In addition to traffic coming from I-66, of which the Roosevelt Bridge is actually the eastern terminus, this heavily-used span across the Potomac also receives vehicles from U.S. Route 50 and the George Washington Memorial Parkway, both major commuter routes in northern Virginia. The goal of this provision is to look at ways which may help to eliminate the bottleneck which commuters from I-66, Route 50, and the GW Parkway encounter when they merge on the Roosevelt Bridge.

I want to make clear that this provision insures that an additional auto lane would not have a negative impact on bicycle or pedestrian traffic. According to the language in the provision, the present bicycle and pedestrian path must be maintained as a minimum requirement. But the legislation also called on the Federal Highway Administration to study the possibility of attaching an additional structure to the existing bridge which could be used only by bike and foot traffic.

In short, the goal of this provision is to provide relief for commuters but not at the expense of providing safety or recreational opportunities for anyone. I want the safest plan possible, Mr. Speaker, one which serves the needs of commuters and which retains access for bikers, joggers and pedestrians in northern Virginia and the District of Columbia.

I urge favorable consideration of this legislation.●

● Mr. ROBERTS. Mr. Chairman, if passed as is, the interstate 4R formula contained in H.R. 5504 would result in

an inequitable distribution of Federal highway funds. The current 4R formula bases 55 percent on lane-miles and 45 percent on vehicle-miles traveled. The proposed formula eliminates interstate land-miles and replaces it with 50 percent on vehicle-miles traveled, and 25 percent each on gasoline and diesel fuel consumption.

The proposed formula completely ignores geographic size and location realities. It should come as no surprise that geographically larger States have more miles of interstate highways. Those highways need to be kept up just like the highways in more populous States. I know that traffic load is a factor in highway deterioration. Our current formula acknowledges this. However, weather is also an important factor. For example, Kansas goes through more freeze-thaw cycles than most States. These cycles are very destructive to our highways and, thank goodness, are acknowledged in the current formula.

It seems to me that the proposed 4R formula, by concentrating on usage, fails the "fairness" test. The Federal Government is supposed to allocate highway funds equitably. Is it equitable to send proportionately more money to populous States that can more easily afford to pay more of their own way? Is it equitable to move away from a formula based on need and replace it with one based on transportation taxes paid? I think not. Our rural areas, already hit by transportation deregulation, will again suffer most. I urge support for the gentleman's amendment.●

● Mr. DASCHLE. Mr. Chairman, I would like to bring to my colleagues' attention a very unfair provision in H.R. 5504, the Surface Transportation Act. The bill was amended in committee to change the allocation formula for highway repair funds, the 4R program.

Currently, the formula is based 55 percent on lane miles and 45 percent on vehicle miles traveled. This formula has worked well, and takes into account both the long distances involved in States like South Dakota and the heavy usage in more densely populated States. Under H.R. 5504, however, the land-miles consideration is removed from the funding formula. South Dakota, for instance, would lose $15,860,000 or 57 percent of its highway repair moneys. Alaska and Montana would lose 70 percent and 66 percent respectively, of their 4R money.

The Surface Transportation Act of 1982 directed the Federal Highway Administration to study the 4R apportionment formula. The Federal Highway Administration issued its report in December 1983 and found "that no compelling case can be made for changing the formula at this time."

The Senate bill does not change the 4R formula, and I am hopeful that we will recede to the Senate in conference on this matter. The fact that the more populous States would benefit from the change in the House bill makes it unlikely that we can turn this around on the House floor. I would urge my urban colleagues to see the blatant unfairness of not taking into consideration the number of miles of highway when allocating highway repair money.●

● Mr. EDGAR. Mr. Chairman, one important provision of this bill would preserve a section of the 1982 Surface Transportation Act which allows transit authorities to trade in formula capital funds for operating funds on a $3 for $2 basis. The 3 for 2 trade-in provision was originally included in the 1982 act in order to preserve some flexibility for local transit operators in their use of Federal funds while at the same time preserving an incentive for local operators to use funds primarily for capital expenses. Hence, an operator which must use these funds to cover an operating shortfall is also penalized by sacrificing one-third of the formula funds which would otherwise be available.

The Southeastern Pennsylvania Transportation Authority has taken advantage of this provision of the law in every year since passage of the 1982 act to cover about $6 million in annual operating expenses. However, provisions in the bill before us would terminate section 3 capital assistance to any transit operator using the 3 for 2 trade-in, thus eliminating SEPTA's opportunity to use the trade-in. The committee took note of this problem and included the relevant provision of this bill which preserves the opportunity for SEPTA to use the trade-in.

There are three basic reasons why SEPTA has been compelled to use the 3 for 2 trade-in provision. They are:

(1) FEDERALLY MANDATED COSTS

These costs result from the takeover of commuter rail service by SEPTA after Congress required that Conrail give up commuter rail operations in 1981. Transition costs associated with the rail takeover totaled over $44 million, while Congress appropriated only $39 million to cover these costs. SEPTA used the trade-in to cover $6.5 million in operating aid in fiscal 1983 to cover the shortfall in transition assistance.

A major recurring cost associated with the rail takeover is the earnings protection payments which must be made to former Conrail workers now working for SEPTA. This amounts to $5.3 million in fiscal year 1984 and will decline by small increments in future years. Federally mandated costs alone explain almost the entire use of SEPTA's trade-in operating funds.

(2) STRIKE-FORCED REVENUE LOSS

In taking over the commuter rail system from Conrail, SEPTA sought to control labor costs through collective bargaining. In the midst of tough negotiations, SEPTA endured a 106-day rail strike in the spring and summer of 1983. The strike caused a $7.6 million revenue shortfall in 1983, and revenue losses continue to reflect the decline in ridership caused by the long transit strike. SEPTA is building ridership back to prestrike levels, but perennial budget problems, which pose the threat of a shutdown of operations, have been an impediment to stable ridership.

(3) OTHER UNFORESEEABLE CIRCUMSTANCES

The best example of this problem has been the uncertainty surrounding levels of State transit aid with Pennsylvania. Though an aid package was recently approved by the legislature, narrowly averting a shutdown of transit within the Philadelphia area. the availability of the Federal trade-in has been a cushion for SEPTA planners during this uncertain period.

I do not believe that the Federal Government should disproportionately penalize a transit authority for using the trade-in option to comply with federally mandated service charges, to hold down labor costs, and to react to local circumstances. The trade-in option, as designed in the 1982 Surface Transportation Act, was intended to provide flexibility to local operators while maintaining an incentive to use Federal aid for capital projects. Congress has repeatedly taken the position that preserving some flexibility for use of Federal funds for operating and maintenance costs is a necessary part of our transit program.

The option to use these operating funds has been vital in allowing SEPTA to survive an extremely difficult and costly rail transition period. SEPTA officials have informed me that use of the trade-in provision will be required for only another year or two at the most.

I should also add that the language now in the bill has been carefully crafted with the help of the committee in order to insure that SEPTA will not be able to make up capital funds traded in by requesting additional capital funds from the section 3 capital program. The provision explicitly states that SEPTA will not be allowed to increase its share of the section 3 program if it avails itself of the trade-in provision.

For these reasons, I believe that the provision now contained in the bill, which has been approved by the committee, deserves the support of the House.●

● Mr. VOLKMER. Mr. Chairman, I rise in support of section 131(a) of the bill which reinstates cement under the "Buy America" provision of the Surface Transportation Assistance Act of 1982 as regards all foreign cement produced in North America.

I want to commend the gentleman from Kentucky (Mr. SNYDER) for his leadership on this issue.

Until 1981, foreign cement producers, other than the Canadians, were not actively marketing in the United States. Today, U.S. cement producers are confronted by many foreign companies. Many of which are subsidized by their governments.

For example, the Mexican Government subsidizes its industry by selling oil to Mexican cement producers at a price of $4 a barrel compared to the $32 a barrel export price. As the cost of energy accounts for nearly half the cost of producing cement Mexican cement producers are heavily subsidized by their government.

If you accept, as I do, the notion that the purpose of the Surface Transportation Act is to stimulate economic growth in this country you will support the "Buy America" provision in this bill. This provision represents an important part of the economic recovery and vitality of the cement industry.

I urge passage of this section and the bill.●

● Mr. D'AMOURS. Mr. Chairman, I would like to take this opportunity to commend the committee for its fine work on H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984. I am particularly pleased that the bill provides for a significant increase in the amounts set aside for the discretionary bridge program from $200 million to $300 million annually. Given the high costs of rehabilitating or replacing deficient bridges, some States, like my own State of New Hampshire, have been forced to defer many needed improvements. The discretionary program has therefore become a critical source of assistance to the States in addressing this Nation's infrastructure needs.

I am most pleased that the subcommittee chairman has specifically referred to the need to fund the replacement of the Notre Dame Bridge in Manchester, N.H. The Notre Dame Bridge is in a serious state of deterioration. Chunks of concrete from the deck of the bridge have been falling onto the interstate below. The need for and urgency of replacing this bridge, which was built in 1937, has long been apparent but Federal funding limitations and the high costs of a permanent solution have indefinitely delayed construction. Given the committee's specific attention to this bridge and the increased availability of discretionary bridge funds, I am hopeful that this long-discussed and well-planned project will at last move forward.

I thank the chairman for his support of this important project and for his concurrence that the Secretary of Transportation should give this project priority consideration in the use of discretionary bridge funds.●

● Mr. LIPINSKI. Mr. Chairman, I rise in strong support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984. This legislation is urgently needed to help keep our State highway programs going in their road and rehabilitation work and to provide full funding for mass transit projects all across the Nation.

This legislation will serve as a complement to the full Surface Transportation Assistance Act which was passed last year. H.R. 5504 will authorize full funding from the mass transit account of the highway trust fund for transit projects across the Nation. Transit capital funding in the section 3 program of the Urban Mass Transportation Act is now strengthened by contract authority backed up by the mass transit account in the highway trust fund. Authorizations would be increased from the current level of $1.1 billion a year to $1.5 billion in keeping with Congressional Budget Office estimates that these levels can be sustained by the level of dedicated revenues.

The 1-cent earmark that was included in the STAA last year will now give mass transit a permanent and stable source of Federal funding. Mass transit is one area where the Federal Government must and should take an active role in assisting local communities. It is my belief that a low-cost, efficient coordinated mass transit system reaps many economic benefits for metropolitan areas.

This legislation brings new and much needed clarification to UMTA's Section 3—Transit Capital Program. Under this program, new rail start projects and extensions are funded as well as rail modernization and bus purchases. The new criteria stipulates that before the approval of new rail systems or extensions to existing systems, a determination must be made that this project is cost effective and has a permanent local funding source. It is my belief that before any new large transit systems are built in this country, the Federal Government should determine if there is widespread local financial support for the those endeavors. Large, costly new transit systems should not be built to solely provide a boon to economic development. There must be a demonstrated transportation need for these projects.

H.R. 5504 also funds many worthwhile highway and transit projects that will be a first start in helping rebuild our Nation's cities crumbling infrastructures and transportation networks. Many areas in the city of Chicago and the State of Illinois will receive aid in this bill to repair bridges, highways and viaducts.

I urge my colleagues support of this legislation.●

● Mr. PHILIP M. CRANE. Mr. Chairman, at the appropriate time, an amendment will be offered by Mr. HOWARD of New Jersey to encourage a national drinking age. I am in support of this amendment.

Given the nationwide concern over drunk driving it seems timely that we consider this amendment to restrict Federal highway funding to States refusing to raise their drinking age to 21. I have favored this concept for some time and have cosponsored similiar legislation by Congressman PORTER. In my State, Illinois, we face a serious "border-hopping" problem when young adults cross the border to take advantage of less restrictive drinking age laws. The result has been the loss of many of our most precious national asset—our children. It is incumbent upon us to convince the various States that the severity of this problem demands national attention. This amendment provides a more effective means of addressing the issue than mandating a national drinking age.●

● Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 5504, the Surface Transportation Act. I commend Chairman HOWARD and Chairman ANDERSON and the Public Works and Transportation Committee for their fine work in crafting this legislation.

As chairwoman of the Government Operations Subcommittee on Government Activities and Transportation, I have carefully overseen implementation of the Surface Transportation Assistance Act of 1982. In fact, I recently held hearings on the financial circumstances faced by public transit in Chicago and other cities.

My oversight has revealed that public transit systems are needy of capital improvement funds and those funds exist and are waiting to be used.

The legislation before us today makes a significant improvement in our 1982 legislative efforts. In fact, it includes a provision modeled after H.R. 4918, a bill which I introduced in February. It will close a 1982 loophole that permitted hundreds of millions of dollars to be collected into the transit account of the Highway Trust Fund but yet sit idle there.

The section 3 capital program for mass transit is funded through the transit penny of the nickel-per-gallon increase in gasoline tax. The 1982 legislation authorized the program at $1.1 billion, but revenue is flowing into the account much more quickly.

This legislation, embodying the concept of my bill, will increase that authorization to $1.525 billion in fiscal year 1985 and extend authorization of this essential program for an additional year to fiscal year 1987. Without raising taxes one cent, transit systems across the country will receive much-

needed funds to rebuild and improve their facilities. My own city of Chicago could receive as much as $30 million per year in supplemented capital improvements funding, using historical figures.

I urge all Members to keep this in mind as we move this legislation toward enactment.●

Mr. SHUSTER. Mr. Chairman, I urge strong bipartisan support for this badly needed legislation, and I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back the balance of his time.

All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendments, and each title shall be considered as having been read.

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, That this Act may be cited as the "Surface Transportation and Uniform Relocation Assistance Act of 1984".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1984".

APPROVAL OF INTERSTATE COST ESTIMATE

SEC. 102. (a) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1985, one-half of the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 98-35 of the Committee on Public Works and Transportation of the House of Representatives.

(b) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1986, the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 98-35 of the Committee on Public Works and Transportation of the House of Representatives.

APPORTIONMENT OF FUNDS FOR SUBSTITUTE PROJECTS

SEC. 103. (a) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, one-half of the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 98-36 of the Committee on Public Works and Transportation of the House of Representatives.

(b) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1985, the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 98-36 of the Committee on Public Works and Transportation of the House of Representatives.

(c) Section 103(e)(4) of title 23, United States Code, is amended—

(1) in the sixteenth sentence by striking out "years" and inserting in lieu thereof "year", and by striking out ", and September 30, 1986";

(2) by inserting after such sixteenth sentence the following new sentence: "The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal years ending September 30, 1986, and September 30, 1987.";

(3) in the twenty-second sentence by striking out "years" and inserting in lieu thereof "year", and by striking out ", and September 30, 1986"; and

(4) by inserting after such twenty-second sentence the following new sentence: "The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal years ending September 30, 1986, and September 30, 1987.".

(d) Section 103(e)(4) of title 23, United States Code, is further amended by striking out the sixth, seventh, and eighth sentences and inserting in lieu thereof the following: "The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.".

(e) The last sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "designed" and inserting in lieu thereof "designated".

OBLIGATION CEILING

SEC. 104. (a) Section 104(a)(3) of the Surface Transportation Assistance Act of 1982 is amended by inserting after "$13,550,000,000" the following: "(plus an amount equal to the excess, if any, of $12,600,000,000 over the total amount of funds obligated in fiscal year 1984 for Federal-aid highways and highway safety construction programs with respect to which the obligation ceiling established for such programs by title I of the Department of Transportation and Related Agencies Appropriations Act, 1984 (97 Stat. 460) applies)".

(b)(1) If the amount of funds which any State may obligate for Federal-aid highways and highway safety construction programs in fiscal year 1984 is reduced as a result of the redistribution of the obligation ceiling imposed on such programs for such year by title I of the Department of Transportation and Related Agencies Appropriations Act, 1984 (97 Stat. 460) on account of the apportionment of funds pursuant to sections 102 and 103 of this Act, the amount of funds which such State may obligate (but for this paragraph) for such programs in such year shall be increased by the amount of such reduction.

(2) In addition to obligational authority made available by such title I for Federal-aid highway and highway safety construction programs for fiscal year 1984, there shall be available such amount of obligational authority for such programs for such year as may be necessary to carry out paragraph (1).

(c) Section 104 of the Surface Transportation Assistance Act of 1982 is amended by adding at the end thereof the following new subsection:

"(f)(1) If, on September 30, 1983, any State had unobligated funds apportioned to it under sections 104 and 144 of title 23, United States Code, the Secretary of Transportation shall determine for such State—

"(A) the ratio of the amount of such unobligated funds to the total amount of the funds apportioned to such State under such sections in fiscal year 1983; and

"(B) an amount equal to one-third of the total amount of the funds apportioned to such State under such sections in such fiscal year.

"(2) If the ratio determined under paragraph (1)(A) for any State is greater than one to three, the amount of funds which, but for this subsection, such State may obligate in each of fiscal years 1985, 1986, and 1987 for Federal-aid highways and highway safety construction programs shall be increased by an amount equal to one-third of the amount determined by subtracting (A) the amount determined under paragraph (1)(B) for such State, from (B) the amount of funds which were apportioned to such State under sections 104 and 144 of title 23, United States Code, and which were not obligated on September 30, 1983.

"(3) This subsection shall not affect the amount of funds apportioned or allocated to any State for Federal-aid highways and highway safety construction.".

EMERGENCY CALL BOXES

SEC. 105. Section 101(a) of title 23, United States Code, is amended in the tenth undesignated paragraph (relating to the definition of highway safety improvement project) by inserting after "pavement marking," the following: "installs emergency motorist-aid call boxes,".

EMERGENCY RELIEF FOR THE TERRITORIES

SEC. 106. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000".

(c) The amendments made by subsections (a) and (b) of this section shall take effect April 15, 1983.

TANK TRUCKS

SEC. 107. (a) The second sentence of section 127(a) of title 23, United States Code, is amended—

(1) by inserting "(1)" before "is thirty-six feet or more";

(2) by inserting after "thirty-six feet or more" the following: ", or (2) in the case of a motor vehicle hauling any tank trailer or ocean transport container before September 1, 1988, thirty feet or more"; and

(3) by inserting after "except in the case of the overall gross weight of any group of two or more consecutive axles" the following: "on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer or ocean transport container on or after September 1, 1988)".

(b) Section 127 of such title is further amended by adding at the end thereof the following new subsection:

"(c) For purposes of this section, the term 'ocean transport container' has the meaning given the term 'freight container' by the International Standards Organization on the date of enactment of this Act in Series 1, Freight Containers, 3rd Edition (reference number IS0668-1979(E)).".

HIGHWAY BEAUTIFICATION

SEC. 108. Section 131(m) of title 23, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "There is authorized to be appropriated to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986. All provisions of this chapter that are applicable to Federal-aid primary highways funds, other than provisions relating to the apportionment formula, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.".

PRIORITY PRIMARY PROJECTS

SEC. 109. Section 120(k) of title 23, United States Code, as redesignated by section 111(b)(3) of this Act, is amended by striking out "97-61" and inserting in lieu thereof "98-25".

DISCRETIONARY BRIDGE PROGRAM

SEC. 110. Section 144(g)(2) of title 23, United States Code, is amended—

(1) by inserting "and" after "September 30, 1983," the first two places it appears;

(2) by striking out "September 30, 1985, and September 30, 1986," the first two places it appears;

(3) by inserting after the first sentence the following new sentence: "Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986, by such sections, all but $300,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section.";

(4) by inserting before "shall be available" the following: "and $300,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1985, and September 30, 1986,"; and

(5) by inserting before "shall be at the discretion" the following: "and $300,000,000".

HIGHWAY TECHNICAL AMENDMENTS

SEC. 111. (a)(1) The second section 126 of the Surface Transportation Assistance Act of 1982, relating to bicycle transportation, is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A.".

(2) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(3) Section 163 of such Act is amended by striking out "appropriated" and inserting in lieu thereof "apportioned".

(4) Subsection (b) of section 165 of such Act is amended by inserting "or" after the semicolon at the end of clause (3).

(5) The third sentence of section 108(d) of such Act is amended by striking out "this title," and inserting in lieu thereof "title 23, United States Code,".

(b)(1) The analysis for chapter 1 of title 23, United States Code, is amended (A) in the item relating to section 127 by striking out "and width", and (B) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) The first sentence of section 120(f) of such title is amended by striking out ": Provided," and all that follows through the period at the end of such sentence and inserting in lieu thereof a period.

(3) Section 120 of such title is amended by redesignating the second subsection (i), and subsections (j) and (k) as subsections (j), (k), and (l), respectively.

(4) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(5)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(6) Subsection (e) of section 144 of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(7) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(c) Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to _____" after "grant a permit".

(d) Section 111 of title 23, United States Code, is amended by inserting "(a)" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e) Section 154(e) of title 23, United States Code, is amended—

(1) by striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(2) by inserting after "posted" the following: "on January 1, 1983,"; and

(3) by inserting before "in accordance with" the following: ", and on public highways built after such date with speed limits posted at 55 miles per hour,".

(f) Section 7 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes", approved March 9, 1984 (98 Stat. 55-56), is amended—

(1) in the first sentence by inserting "not to exceed" before "$100,000,000";

(2) in the second sentence by striking out "$100,000,000" and inserting in lieu thereof "by an amount equal to the amount of such funds"; and

(3) in the third sentence by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount of funds transferred under this section".

(g)(1) Section 303(c) of title 49, United States Code, is amended by inserting before "requiring the use" the following: "(other than any project for a park road or parkway under section 204 of title 23)".

(2) The third sentence of section 138 of title 23, United States Code, is amended by inserting before "which requires" the following: "(other than any project for a park road or parkway under section 204 of this title)".

DEMONSTRATION PROJECTS

SEC. 112. (a)(1) The Secretary of Transportation (hereinafter in this section referred to as the "Secretary") shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project to complete a gap on the Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey. Such project shall be a project which the Secretary estimates could be completed under normal procedures and open to traffic in 1992 and for which most of the

right-of-way is acquired before the date of enactment of this Act.

(2) Not later than 180 days after completion of the demonstration project under paragraph (1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration project carried out under section 141 of the Federal-Aid Highway Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under paragraph (1).

(b) The Secretary shall carry out a highway project to demonstrate methods of improving traffic operations and reducing accidents at a high-volume rotary intersection in Brick Township, New Jersey.

(c)(1) The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(2) Not later than one year after completion of the demonstration project under paragraph (1) of this subsection, the Secretary shall submit a report to Congress on the results of such project.

(d) The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commercial center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(e) The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits of constructing a grade separation between a railroad line and a highway in the vicinity of Moorhead, Minnesota, and of reconstruction of two deteriorated segments of a major east-west highway on the Federal-aid primary system in the vicinities of Fosston and Bagley, Minnesota.

(f) The Secretary shall carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an Interstate route in the vicinity of Dry Ridge, Kentucky, with a highway on the Federal-aid primary system in the vicinity of Owentown, Kentucky.

(g) The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway access to an airport which is projected to incur a substantial increase in air service.

(h)(1) The Secretary shall carry out a highway project to close a gap of approximately 12 miles in a multilane limited access road connecting the City of Altoona to the Borough of Tyrone in Blair County, Pennsylvania, for the purpose of demonstrating state of the art delineation technology. For comparison purposes, the highway section to be constructed shall connect both highway construction using current delineation technology and older completed highway construction using traditional delineation technology. The project shall demonstrate the latest horizontal and vertical delineation techniques, and utilize innovative techniques in highway delineation treatments to improve traffic control and highway safety. All delineation elements shall be designed to provide the optimum life-cycle costs, thereby maximizing the highway safety benefits and minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

(2) Not later than one year, six years, and 11 years after the completion of the state of the art delineation technology project, the Secretary shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best delineation technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such delineation techniques.

(3) Notwithstanding subsection (b)(3) of section 131 of the Surface Transportation Assistance Act of 1982, funds authorized to be appropriated to carry out such section for the fiscal year ending September 30, 1985, are authorized to be appropriated to carry out such section and this subsection; except that the Secretary shall make such funds available to carry out this subsection only after the project authorized by such section 131 is completed.

(i)(1)(A) The Secretary is authorized to carry out a highway project to demonstrate the benefits on traffic flow and transportation of labor and materials by construction of a highway to provide limited continuous access between an Interstate route and a highway on the Federal-aid primary system in Lafayette, Louisiana.

(B) The Secretary is authorized to carry out a highway project which will demonstrate methods of reducing traffic congestion in the central business district of Shreveport, Louisiana, improving access to such district, providing highway continuity, and satisfying national defense requirements by connecting an Interstate route with another Interstate route which serves as bypass around such city.

(2) The Secretary is authorized to carry out a highway project which will demonstrate the most cost effective method of improving interstate motor vehicle access for passengers and cargo moving to and from the port of Miami, Florida.

(3) The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(4) The Secretary is authorized to carry out a highway project on a segment of a north-south highway on the Federal-aid primary system from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri in the vicinity of Noel, Missouri, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(5) The projects authorized by paragraphs (3) and (4) of this subsection shall also demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of such projects.

(6) Not later than one year, six years, and 11 years after the completion of the projects authorized by paragraphs (3) and (4) of this subsection, the Secretary shall submit reports to the Congress, including but not limited to the results of such projects, the effects of using such design features and advances on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features and advances.

(j) The Secretary shall carry out a highway project to demonstrate methods of reducing costs and expediting construction of an interchange in the vicinities of Sanford, Florida, and the intersection of route 46A and an Interstate route by contracting with a private consultant to design and construct such project.

(k) The Secretary is authorized to carry out a demonstration project in the vicinity of San Jose and Santa Clara, California, for the purpose of demonstrating a unified method of reducing traffic congestion on a Federal-aid urban highway which is the result of the intersection of such highway with two other Federal-aid urban highways and a railroad crossing in a one-quarter mile segment of such highway.

(l)(1) The Secretary shall carry out a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway. The Secretary shall enter into such arrangements as may be necessary to carry out such project with the Secretary of the Interior.

(2) No Federal assistance shall be provided to carry out the demonstration project under this subsection until private sources dedicate at least 2.5 acres of land as a scenic easement for project purposes.

(m) The Secretary is authorized to carry out a demonstration project to construct a highway in the vicinity of Pardee, West Virginia, for the purpose of demonstrating the improvement in motor vehicle transportation of energy resources resulting from the completion of a consolidated network of modern highway.

(n) The Secretary shall carry out a highway project to demonstrate methods by which construction of a grade separation for a railroad crossing of a highway on the Federal-aid primary system enhances urban redevelopment and the effectiveness of a planned transportation center in Modesto, California.

(o) The Secretary shall carry out a highway project in Kalamazoo, Michigan, to demonstrate the benefits of cooperation between the private sector and the government in relieving traffic congestion caused by a railroad crossing a highway on a Federal-aid system through construction of a highway overpass.

(p) The Secretary is authorized to carry out a highway project to demonstrate the advantages of joint development and use of

air rights in the construction of a deck over a depressed portion of an Interstate route in East Milton, Massachusetts.

(q) The Secretary, in cooperation with the State of Alabama, shall carry out a highway project in the vicinity of Fairhope and Foley, Alabama, to demonstrate methods of accelerating the widening of a highway traffic segment of highway on the Federal-aid primary system necessary for the rapid evacuation of individuals during emergency weather conditions.

(r) The Secretary shall carry out a highway project in the vicinity of Wilder in Campbell County, Kentucky, to demonstrate the economic benefits to a port facility, industrial complex, and foreign trade zone and methods of enhancing highway safety by reconstruction of a segment of a highway on the Federal-aid urban system which connects an Interstate route with a port facility. Such project shall increase the number of lanes on such highway from two to four and may include realignment of such highway.

(s) The Secretary shall carry out a highway project to demonstrate the safety benefits of providing additional and improved vehicular passing opportunities on, adding truck climbing lanes to, and straightening, a 50-mile segment of an east-west highway on the Federal-aid primary system which carries a high volume of traffic in Jo Daviess and Stephenson Counties, Illinois.

(t) The Secretary is authorized to carry out a highway project in the city of Allentown, Pennsylvania, for the purpose of demonstrating methods of accelerating construction to eliminate a major rail-highway crossing at grade, reducing traffic delays for both rail and motor vehicle traffic, and minimizing the impact on the surrounding urban environment.

(u) The Secretary shall carry out a series of highway projects in the vicinities of Pontiac and East Lansing, Michigan, which demonstrate methods of enhancing safety and promoting economic development through construction of grade separations and road widenings on a highway on the Federal-aid primary system and on highways on Federal-aid urban system.

(v) The Secretary shall carry out a highway project to demonstrate methods of improving safety on a highway on the Federal-aid primary system in Riverside, California, which is designated as a priority primary route under section 147 of title 23, United States Code, by Committee Print Numbered 97-61 of the Committee on Public Works and Transportation of the House of Representatives.

(w) The Secretary is authorized to carry out a highway project to demonstrate methods of improving highway safety and traffic flow by widening and upgrading a priority primary route in Osceolo County, Michigan.

(x) The Secretary shall carry out a highway project in Buffalo, New York, for the purpose of demonstrating methods of facilitating redevelopment of a waterfront area by construction of a connector off a highway on the Federal-aid primary system. Upon completion of the project, the connector shall be added to the Federal-aid urban system.

(y) The Secretary shall carry out a highway project to construct a connector ramp from West 11th Street to Quigley Road in the Tremont area of Cleveland, Ohio, for the purpose of demonstrating how cost-effective investment toward meeting the transportation infrastructure needs of a neighborhood, which is suffering infrastructure decay, can help revitalize such neighborhood.

(z) The Secretary shall carry out a highway project to construct a bridge to cross the Tennessee River in Lauderdale and Colbert Counties, Alabama, in the vicinity of Patton Island, Alabama, for the purpose of demonstrating methods of improving highway transportation and enhancing economic development.

(aa) The Secretary shall carry out a highway project in the vicinity of Huron, Ohio, for the purpose of demonstrating methods by which a highway construction project on a bypass segment on the Federal-aid primary system which provides access to an amusement park in Erie County, Ohio, will enhance highway safety and economic development in an area of high unemployment.

(bb) The Secretary shall undertake a highway project in Chicago, Illinois, to demonstrate the feasibility of and cost savings from replacing a movable bridge on a high-volume urban road over a lightly used navigable waterway with a fixed-span bridge which will be constructed so as to allow its rapid conversion to a movable bridge if the Secretary of the Army, acting through the Chief of Engineers, determines that a conversion is necessary.

(cc) The Secretary shall carry out three highway projects in Harney County, Oregon, for the purpose of demonstrating methods of protecting roadways against damage and destruction due to wave erosion by such techniques as broadening the highway base, raising the highway elevation, and providing protection material against such erosion. Such projects in Harney County, Oregon, shall be carried out on (1) a north-south highway on the Federal-aid secondary system between an area in the vicinity of Narrows-Princeton Road and an area in the vicinity of Dog Mountain, (2) an east-west highway on the Federal-aid secondary system between an area in the vicinity of Warm Springs Butte and an area in the vicinity of the community of Lawen, and (3) an east-west highway on the Federal-aid secondary system between an area in the vicinity of the Sod House School and an area in the vicinity of Black Butte.

(dd) The Secretary shall carry out two road improvement projects in Wayne County, Michigan, to demonstrate the benefits of enhancing safety and improving economic vitality of a depressed area.

(ee) The Secretary shall carry out three highway projects in Cook County, Illinois, to demonstrate the benefits, respectively, from reconstructing portions of an arterial roadway in coordination with a regional drainage plan of the United States Soil Conservation Service, widening and resurfacing an arterial roadway which passes through a forest preserve adjacent to a historical district in a manner which will preserve the historical and natural characteristics of the area, and resurfacing an arterial roadway which is expected to experience high volumes of traffic during the reconstruction of a parallel Interstate route.

(ff) The Secretary is authorized to carry out a highway project in Erie County, New York, to demonstrate methods of enhancing safety and reducing traffic congestion and delays at the terminus of an Interstate route by relocating the terminus of such route.

(gg) Not later than 180 days after completion of each project under subsections (b), (d), (e), (f), (g), (i)(1), (i)(2), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), and (ff) of this section, the Secretary shall submit to Congress a report on the results of such project.

(hh) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) to carry out subsection (a) of this section not to exceed $50,000,000 for the fiscal year ending September 30, 1985;

(2) to carry out subsection (b) of this section not to exceed $4,800,000 for the fiscal year ending September 30, 1985;

(3) to carry out subsection (c) of this section not to exceed $12,000,000 for the fiscal year ending September 30, 1985;

(4) to carry out subsection (d) of this section not to exceed $8,500,000 for the fiscal year ending September 30, 1985;

(5) to carry out subsection (e) of this section not to exceed $3,000,000 for the fiscal year ending September 30, 1985, and $2,000,000 for the fiscal year ending September 30, 1986;

(6) to carry out subsection (f) of this section not to exceed $20,500,000 for the fiscal year ending September 30, 1985;

(7) to carry out subsection (g) of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1985, and $28,000,000 for the fiscal year ending September 30, 1986;

(8) to carry out subsection (h) of this section not to exceed $4,000,000 for the fiscal year ending September 30, 1985, $8,000,000 for the fiscal year ending September 30, 1986, $36,000,000 for the fiscal year ending September 30, 1987, and $42,000,000 for the fiscal year ending September 30, 1988;

(9) to carry out the preliminary engineering and design and initial utility relocation and land acquisition activities under subsection (i)(1) of this section not to exceed $20,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986;

(10) to carry out the preliminary engineering and design under subsection (i)(2) of this section not to exceed $1,300,000 for the fiscal year ending September 30, 1985, and $9,000,000 for the fiscal year ending September 30, 1986;

(11) to carry out the preliminary engineering and design, utility relocation, and land acquisition under subsection (i)(3) of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1985, and $15,000,000 for the fiscal year ending September 30, 1986;

(12) to carry out the preliminary engineering and design, utility relocation, and land acquisition and initial construction activities under subsection (i)(4) of this section not to exceed $13,000,000 for the fiscal year ending September 30, 1985, and $12,000,000 for the fiscal year ending September 30, 1986;

(13) to carry out subsection (j) of this section not to exceed $7,000,000 for the fiscal year ending September 30, 1985, and $7,500,000 for the fiscal year ending September 30, 1986;

(14) to carry out subsection (k) of this section not to exceed $12,000,000 for the fiscal year ending September 30, 1985, and $17,000,000 for the fiscal year ending September 30, 1986;

(15) to carry out subsection (l) of this section not to exceed $7,200,000 for the fiscal year ending September 30, 1985;

(16) to carry out subsection (m) of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985, and $25,000,000 for the fiscal year ending September 30, 1986;

(17) to carry out subsection (n) of this section not to exceed $2,000,000 for the fiscal year ending September 30, 1985, and

$12,000,000 for the fiscal year ending September 30, 1986;

(18) to carry out subsection (o) of this section not to exceed $2,000,000 for the fiscal year ending September 30, 1985;

(19) to carry out subsection (p) of this section not to exceed $3,500,000, for fiscal year ending September 30, 1985;

(20) to carry out subsection (q) of this section not to exceed $10,500,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986;

(21) to carry out subsection (r) of this section not to exceed $9,000,000 for the fiscal year ending September 30, 1985;

(22) to carry out subsection (s) of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985;

(23) to carry out subsection (t) of this section not to exceed $1,000,000 for the fiscal year ending September 30, 1985, $2,000,000 for the fiscal year ending September 30, 1986, and $3,000,000 for the fiscal year ending September 30, 1987;

(24) to carry out subsection (u) of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985, and $7,000,000 for the fiscal year ending September 30, 1986;

(25) to carry out subsection (v) of this section not to exceed $4,000,000 for the fiscal year ending September 30, 1985, and $5,000,000 for fiscal year ending September 30, 1986;

(26) to carry out subsection (w) of this section not to exceed $4,000,000 for the fiscal year ending September 30, 1985, and $4,000,000 for the fiscal year ending September 30, 1986;

(27) to carry out subsection (x) of this section not to exceed $6,000,000 for the fiscal year ending September 30, 1985, and $6,500,000 for the fiscal year ending September 30, 1986;

(28) to carry out subsection (y) of this section not to exceed $3,500,000 for the fiscal year ending September 30, 1985;

(29) to carry out subsection (z) of this section not to exceed $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986;

(30) to carry out subsection (aa) of this section not to exceed $7,500,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986;

(31) to carry out subsection (bb) of this section not to exceed $12,000,000 for the fiscal year ending September 30, 1986;

(32) to carry out subsection (cc) of this section not to exceed $4,000,000 for the fiscal year ending September 30, 1985;

(33) to carry out subsection (dd) of this section not to exceed $3,900,000 for the fiscal year ending September 30, 1985;

(34) to carry out subsection (ee) of this section not to exceed $12,000,000 for the fiscal year ending September 30, 1985; and

(35) to carry out subsection (ff) of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985, and $10,000,000 for the fiscal year ending September 30, 1986.

(ii) Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section (other than subsection (o)) shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation. Funds appropriated to carry out subsection (o) of this section shall be available to pay not to exceed 10 per centum of the cost of the project described in such subsection.

PROJECT ELIGIBILITY

SEC. 113. Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, the cost of construction of the alternative for any Interstate route which is recommended in any final environmental impact statement (1) submitted by the State of Massachusetts in September 1983, and (2) approved by the Secretary of Transportation thereafter, shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, and shall be included as an eligible project in the 1985 interstate cost estimate and any future interstate cost estimate. Subject to the approval of the Secretary of Transportation of such impact statement, the Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such project.

DONATION OF LANDS

SEC. 114. Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California necessary for the right-of-way for relocation and construction of California State Route 73 in Orange County, California, from its interchange with Interstate route I-405 to its interchange with Interstate route I-5 shall be included as a part of the cost of such relocation and construction project and shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project. If the fair market value of such lands exceeds the non-Federal share of such relocation and construction project, then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California. To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way shall be considered as part of the State right-of-way acquisition for purposes of this section if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share. In no case shall the amount of Federal-aid reimbursement to the State of California on account of such relocation and construction project exceed the actual cost to the State for such project.

PLANNING, DESIGN, AND CONSTRUCTION

SEC. 115. Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning, design, and construction from Interstate route I-40 to the boundary between Arkansas and Missouri of a two-lane north-south highway which is on the Federal-aid primary system in Arkansas and passes through an urbanized area.

EXEMPTION FROM RIGHT-OF-WAY RESTRICTION

SEC. 116. The facility owned by the Can-Am Warehouse Company located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

RICHMOND-PETERSBURG TURNPIKE

SEC. 117. (a) Upon repayment by the Commonwealth of Virginia to the Treasurer of the United States of an amount equal to the total amount of Federal-aid highway funds heretofore paid on account of the immediate connectors and approaches to the Richmond-Petersburg Turnpike, such Turnpike shall be free of all restrictions with respect to the imposition and collection of tolls or other charges on or for the use thereof contained in title 23, United States Code, or section 131 of the Federal Highway Act of 1970, or any regulation or agreement thereunder. Nothing in this section shall be construed to affect any apportionment of funds under section 104(b)(5)(B) of title 23, United States Code.

(b) The amount repaid under subsection (a) shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such amount shall be credited to the unprogramed balance of the Federal-aid interstate funds last apportioned to the Commonwealth of Virginia. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

USE OF CERTAIN REPORTS AS EVIDENCE

SEC. 118. Notwithstanding any other provision of law, no report, list, schedule, or survey prepared by or for a State pursuant to section 152 of title 23, United States Code, or section 203 of the Highway Safety Act of 1973 shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.

RAIL-HIGHWAY CROSSING NEEDS STUDY

SEC. 119. (a) The Secretary of Transportation shall conduct a comprehensive study and investigation of national railroad-highway crossing improvement and maintenance needs. Such study and investigation shall assess (1) rail and highway needs relating to crossing safety, capacity, and mobility and the needs of communities affected by rail-highway crossings with protective devices (2) the feasibility of addressing these needs on a corridor or system basis, and (3) the responsibility of rail and highway authorities in addressing these needs. In carrying out such study, the Secretary shall consider the progress and the results of the demonstration programs being conducted under section 129 of this Act in improving safety at railroad-highway crossings. Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the Secretary's study and investigation along with recommendations on how these needs can best be addressed on a long term and continuing basis in a cost effective manner. Such report and recommendations shall take into account the results of the demonstration programs being conducted under such section.

(b) The Secretary of Transportation shall conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross railroads and whose ownership has been disputed. Such study and investigation shall assess (1) rail and highway needs relating to safety, capacity, and mobility and the needs of communities affected by such bridges, (2) the feasibility of addressing these needs on a

comprehensive, national basis, and (3) the responsibility of rail and highway authorities in addressing these needs. Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's study and investigation along with recommendations on how these bridge needs may best be addressed on a long term basis in a cost effective manner.

INTEREST ON BONDS FOR ADVANCED CONSTRUCTION PROJECTS

SEC. 120. Section 115(b)(2) of title 23, United States Code, is amended by striking out "under construction on January 1, 1983, on the Interstate System" and inserting in lieu thereof "constructed before, on, or after January 1, 1983, on the Interstate System".

INTERSTATE RESURFACING FORMULA

SEC. 121. Section 104(b)(5)(B) of title 23, United States Code, is amended to read as follows:

"(B) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

"50 per centum in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States; 25 per centum in the ratio that gasoline used by motor vehicles on highways in such State bears to the total of gasoline used by motor vehicles on highways in all States; and 25 per centum in the ratio that diesel fuel used by motor vehicles on highways in such State bears to the total of diesel fuel used by motor vehicles on highways in all States.

The Secretary shall establish such rules and regulations as may be necessary to carry out this provision.".

CONNECTICUT DEMONSTRATION PROJECTS

SEC. 122. (a) The Secretary of Transportation shall carry out a highway project to demonstrate the latest construction techniques in reconstructing a north-south segment of highway on the Federal-aid urban system in the vicinity of Southington, Connecticut.

(b) The Secretary of Transportation shall carry out a highway project to change horizontal and vertical alignment of a north-south highway on the Federal-aid primary system south of Kent Center, Connecticut, to demonstrate methods of solving safety and flooding problems.

(c) The Secretary of Transportation shall carry out a highway project to demonstrate the latest construction techniques in reconstructing an east-west segment of highway on the Federal-aid urban system in the vicinity of United States Route 5 and North Maple Street, Enfield, Connecticut.

(d) Not later than 180 days after completion of each project under subsections (a), (b), and (c) of this section, the Secretary of Transportation shall submit to Congress a report on the results of such project.

(e) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section not to exceed $3,850,000 for the fiscal year ending September 30, 1985.

(f) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

AVAILABILITY OF INTERSTATE RECONSTRUCTION FUNDS

SEC. 123. Of the funds apportioned to the State of Illinois under section 104(b)(5)(B) of title 23, United States Code, for each of the fiscal years 1985, 1986, and 1987, $5,000,000 shall be available for each such fiscal year only for projects for the resurfacing, restoring, rehabilitating, and reconstructing of any Interstate toll road which is elevated, is located in the city of Chicago, and is subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978.

SUBSTITUTE HIGHWAY PROJECT

SEC. 124. (a) The Secretary of Transportation shall make a grant under section 103(e)(4) of title 23, United States Code, to the State of Iowa to carry out a highway substitute project in the vicinity of Council Bluffs, Iowa, which project was selected under such section before the date of enactment of this Act by the responsible local officials to serve the area from which a portion of route I-85 in the vicinity of Omaha, Nebraska, was withdrawn.

(b) The Secretary of Transportation shall obligate an amount not to exceed $6,700,000 for purposes of subsection (a) from the amount authorized out of the Highway Trust Fund for fiscal year 1985 to be expended at the discretion of the Secretary for substitute highway projects under section 103(e)(4) of title 23, United States Code. Such amount shall be in addition to, and not in lieu of, the amount available for substitute projects under such section 103(e)(4) as a result of the withdrawal of approval of a portion of route I-85 in the vicinity of Omaha, Nebraska.

COST EFFECTIVENESS STUDY

SEC. 125. (a) The Secretary of Transportation shall conduct a study (1) to determine the cost-effectiveness of carrying out a project to upgrade route 219 between its intersection with Interstate route I-80 near Dubois, Pennsylvania, and its intersection with the boundary between New York and Pennsylvania near Bradford, Pennsylvania, to the geometric and construction standards adopted for the National System of Interstate and Defense Highways, (2) to determine the feasibility of partially financing such project with toll revenues, of using reclaimed strip mining lands for right-of-way for such project, and of avoiding encroachment upon national and State forests and State game lands in carrying out such project, and (3) to determine the alignment on which such project should be carried out.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

(c) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section not to exceed $1,000,000 for the fiscal year ending September 30, 1985.

(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

FEASIBILITY STUDY

SEC. 126. (a) The Secretary of Transportation is authorized to carry out in cooperation with the District of Columbia, the Commonwealth of Virginia, and the Department of the Interior, a feasibility study on work which can be undertaken to improve the safety, capacity, and operational characteristics of the Theodore Roosevelt Bridge on Interstate route I-66 connecting the Commonwealth of Virginia and the District of Columbia. The Secretary of Transportation shall submit a report on the findings of the study and recommendations to the Congress no later than 90 days after enactment of this subsection.

(b) The study shall develop several options for an inbound lane addition on the existing bridge deck, to be followed by thorough analysis of the safety and operational factors posed by each option.

(c) The study shall ensure that if any option is ultimately selected, the present bicycle and pedestrian path must be maintained. In that regard, the study shall also investigate the possible option of attaching an additional structure to the existing bridge which would be used by bicycle and pedestrian traffic and which would be used for the purpose of demonstrating improved multimodal traffic operations on a congested urban freeway.

(d) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section not to exceed $75,000 for the fiscal year ending September 30, 1985.

(e) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

LAPSED INTERSTATE DISCRETIONARY FUNDS

SEC. 127. Section 118(b)(2) of title 23, United States Code, is amended by inserting after "which is not open to traffic" the following: "and high cost projects which are eligible for Federal assistance with funds apportioned under section 104(b)(5)(A) of this title and are on an Interstate segment which is on a common alignment of more than 7.9 miles with any other Interstate segment and on which actual construction with funds apportioned under such section is under way on the date of enactment of the Surface Transportation Assistance Act of 1982".

FEASIBILITY STUDY OF USING HIGHWAY ELECTRIFICATION SYSTEMS

SEC. 128. (a) The Secretary of Transportation shall make a grant to the California Transportation Commission for the following purposes among others: acquisition of land, construction of a test facility, research, planning, analysis, and engineering to determine the feasibility and applicability of utilizing a highway electrification system as a source of energy for highway vehicles.

(b) A grant may only be made under this section if the California Transportation Commission agrees (1) to conduct, through the test facility to be constructed under such grant, a study to determine the feasibility and applicability of using highway electrification system as a source of energy for highway vehicles, and (2) to submit to the Secre-

tary of Transportation a report on the results of such study not later than three years after the date such construction is completed.

(c) There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $1,450,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986.

(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of acquisition and construction of the test facility described in subsection (a) shall be 100 percent and such funds shall remain available until expended.

MAINTENANCE OF CERTAIN RAIL-HIGHWAY CROSSINGS

SEC. 129. (a) The Secretary of Transportation shall make a grant to each State which has located within its boundaries a railroad-highway crossing over which the Consolidated Rail Corporation operates rail vehicles to carry out a demonstration program of providing systematic inspection and service of protective devices at such crossings.

(b) Any demonstration program carried out under this section shall reimburse the Consolidated Rail Corporation for 50 percent of the cost of inspecting and servicing protective devices at railroad-highway crossings in such State over which such corporation operates rail vehicles.

(c) Sums made available to carry out this section shall be apportioned among those States which have located within their boundaries railroad-highway crossings over which the Consolidated Rail Corporation operates rail vehicles in the ratio that the number of such crossings with protective devices in each such State bears to the total number of such crossings with protective devices in all such States.

(d) The amount of a grant made to a State under this section shall be equal to the amount of funds apportioned to such State under this section in any fiscal year and shall be available to pay 50 percent of the costs incurred by such State in developing and conducting its demonstration program in such fiscal year.

(e) Each State conducting a demonstration program under this section shall report to the Secretary of Transportation not later than December 30, 1986, on the results of such program and the effectiveness of such program in improving safety at railroad-highway crossings. The Secretary of Transportation shall submit a report to the Congress not later than April 1, 1987, on the results of demonstration programs carried out under this section and the effectiveness of such programs in improving safety at railroad-highway crossings.

(f) There is authorized to be appropriated to the Secretary of Transportation to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $4,500,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986. Funds made available under this subsection shall remain available until expended.

(g) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a demonstration program under this section shall be determined in accordance with the provisions of subsection (d) of this section and shall not be subject to any obligation limitation.

TRANSFER OF HOV LANES

SEC. 130. (a) Notwithstanding any other provision of law, in any case in which the costs of constructing high occupancy vehicle lanes in Los Angeles County, California, on any segment on the National System of Interstate and Defense Highways which connects the City of Los Angeles, California, with any other point are included in the interstate cost estimate for 1983, such costs shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended and shall be included as an eligible project in any future interstate cost estimate unless such costs are made not eligible for such funds by subsection (b) of this section.

(b) Upon the joint request of the Governor of the State of California and the local governments concerned, the Secretary of Transportation may approve a substitute transit project for construction of a fixed guideway system on or adjacent to the proposed right-of-way for the high occupancy vehicle lanes described in subsection (a). Upon approval of any fixed guideway project under the preceding sentence, the costs of construction of the high occupancy vehicle lanes shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, subject to increase or decrease in accordance with the second sentence of section 103(e)(4) of title 23, United States Code, shall be available to the Secretary to incur obligations under such section for the Federal share of such substitute project.

(c) A substitute transit project approved under subsection (b) of this section shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than the third and last sentences of such section), except that the Federal share for such project shall be the Federal share applicable to the construction of high occupancy vehicle lanes for which such project is substituted. Unobligated apportionments for the Interstate System in the State of California shall, on the date of approval of a substitute transit project under subsection (a), be reduced in the proportion that the Federal share of the cost of the project for high occupancy vehicle lanes bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by Congress.

(d) By September 30, 1988, any substitute transit project approved under subsection (b) of this section (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for any such project.

(e) The Secretary of Transportation shall administer this section through the Federal Highway Administration.

BUY AMERICA

SEC. 131. (a) Section 165(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting before the period at the end thereof the following: "and unless none of the cement used in such project is produced or manufactured in any foreign country which is located in North America".

(b) Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out "50" and inserting in lieu thereof "85".

(c) The amendment made by subsection (b) of this section shall only apply to the procurement of buses and other rolling stock manufactured or assembled at a facility at which buses or other rolling stock were not being manufactured or assembled during the first half of calendar year 1984.

FLEXIBILITY OF USE OF HIGHWAY FUNDS

SEC. 132. Section 118(f) of title 23, United States Code, is amended by inserting "and the Commonwealth of Puerto Rico" after "the State of Alaska".

STUDY OF HIGHWAY EXPENDITURES, REVENUES, AND RELATIVE NEEDS

SEC. 133. (a) The Secretary of Transportation shall conduct a study—

(1) to determine the amount and the percentage of the total funds apportioned and allocated to each State in each fiscal year beginning after September 30, 1978, and ending before October 1, 1983, under sections 103(e)(4), 104(b), 144, 152, and 157 of title 23, United States Code, and section 203 of the Highway Safety Act of 1973, as amended, which were expended on highway projects carried out in counties of such State with a population of less than 50,000;

(2) to determine the amount and the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) which are attributable to such counties; and

(3) to determine the needs of such counties and the State for improvements of highways on the Federal-aid system and the percentage of the needs of the State for such improvements which are needs of such counties.

(b) In carrying out the study under this section, the Secretary of Transportation may consult any department, agency, or instrumentality of the United States or any State or local government.

(c) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report of the results of the study conducted under this section. Such report shall include, at a minimum, a State by State analysis of the matters referred to in subsection (a).

PLANTING OF NATIVE WILDFLOWER SEEDS AND SEEDLINGS

SEC. 134. Section 319 of title 23, United States Code, is amended by inserting "(a)" before "The Secretary" and by adding at the end thereof the following new subsection:

"(b) The Secretary shall approve the planting of native wildflower seeds and seedlings as part of any landscaping contract under this title. Not to exceed one quarter of one percent of the funds expended for landscaping shall be used for such plantings. The requirements of this subsection may be waived by the Secretary if the State certifies that such native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited.".

STUDY OF APPORTIONMENT FORMULAS

SEC. 135. (a) The Secretary of Transportation shall make a full and complete study regarding the apportionment and allocation of Federal financial assistance made available out of the Highway Trust Fund (other than the Mass Transit Account) under sec-

tions 103(e)(4), 104(b), 144, 152, and 157 of title 23, United States Code, and section 203 of the Highway Safety Act of 1973, as amended, for the purpose of determining whether or not such assistance is being equitably apportioned and allocated among the States, taking into account the relative needs of the States for highway improvements and the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account).

(b) In conducting the study under this section, the Secretary of Transportation shall consult with other agencies of the Federal Government and with agencies of State and local governments.

(c) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report on the results of such study to Congress, together with recommendations for legislation for modifying the formulas apportioning and allocating the assistance referred to in subsection (a) to conform to the objectives of such study.

BRIDGE FORMULA STUDY

SEC. 136. Not later than 24 months after the date of enactment of this Act, the Transportation Research Board of the National Academy of Sciences, after consultation with transportation officials and representatives of the trucking industry (including special permit haulers and users of construction and other vehicles which engage in heavy hauling operations) shall submit to Congress a detailed report on the effects of the limitations on vehicle weights imposed by application of the formula contained in section 127(a) of title 23, United States Code. The report shall include an assessment of the potential costs and benefits of such limitations, any recommendations of modifications of such formula, and an examination of alternative means of regulating truck weights on bridges. The report shall also identify optimal axle loading and spacing requirements taking into account all costs and benefits to business, government, and the general public.

ENVIRONMENTAL IMPACT STATEMENT

SEC. 137. (a) The Secretary of Transportation is authorized to prepare or have prepared an environmental impact statement in connection with providing additional highway capacity in the Richmond-Willowbrook corridor in Staten Island, New York.

(b) There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund (other than the Mass Transit Account), such sums as may be necessary to carry out this section for fiscal years beginning after September 30, 1984. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the preparation of such statement shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

ADDITION OF PLANNING AS A FUNDABLE ITEM UNDER MINIMUM ALLOCATION

SEC. 138. Section 157(b) of title 23, United States Code, is amended by inserting after the first sentence the following: "One-half of one per centum of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of this title. One and one-half per centum of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of this title.".

FEASIBILITY STUDY OF FLOOD PREVENTION METHODS

SEC. 139. The Secretary of Transportation, in consultation with other appropriate Federal agencies and in cooperation with the State of Texas, is authorized to carry out a feasibility study on methods of preventing flooding and improving the safety and operational characteristics of Interstate route I-45 between Galveston and Houston, Texas, during severe weather. The Secretary of Transportation shall submit to Congress a report on the findings of the study and recommendations not later than six months after the date of enactment of this Act.

ENGINEERING AND ENVIRONMENTAL STUDY

SEC. 140. (a) The Secretary of Transportation is authorized to conduct an engineering and environmental study of the feasibility of constructing a highway between Aurora-Hoyt Lakes and Silver Bay, Minnesota. The Secretary shall submit to Congress a report on the results of such study not later than one year after the date of enactment of this Act.

(b) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $100,000 for the fiscal year ending September 30, 1985. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of conducting such study shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

AMENDMENT OFFERED BY MR. HOWARD

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

The Clerk read as follows:

Amendment offered by Mr. HOWARD: Page 58, after line 5, insert the following:

NATIONAL MINIMUM DRINKING AGE

SEC. 141. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 158. National minimum drinking age

"(a)(1) The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than 21 years of age is lawful.

"(2) The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than 21 years of age is lawful.

"(b) The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in a fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than 21 years of age.

"(c) As used in this section, the term 'alcoholic beverage' means—

"(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1954,

"(2) wine of not less than one-half of 1 percent alcohol by volume, and

"(3) distilled spirits as defined in section 5002(a)(8) of such Code.".

(b) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"158. National minimum drinking age.".

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

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

There was no objection.

Mr. HOWARD. Mr. Chairman, the amendment I am offering would encourage those States that have not yet done so to raise their minimum drinking age to 21. I am offering this amendment on behalf of myself, many of my colleagues who with me sponsored H.R. 5383, the National Minimum Drinking Age Act of 1984, and on behalf of Mothers Against Drunk Driving, the Wine Institute, the National Council on Alcoholism, Students Against Drunk Drivers, the International Association of Chiefs of Police, the U.S. Achievement Academy, the American Council on Alcohol Problems, the National Safety Council, the Boy Scouts of America, the International Commission Against Drunk Driving, the Parent-Teachers Association, the Presidential Commission on Drunk Driving, Remove Intoxicated Drivers, the American Council of Emergency Room Physicians, the Insurance Information Institute, Allstate Insurance Co., Justice for Crime Victims, the Junior League—to name a few of the organizations and groups that support a minimum drinking age of 21—77 percent of the American public, and 58 percent of the age group affected. All polls taken on the subject have shown conclusively that the measure is supported by the majority of the citizens of this country.

The amendment I am offering allows each State to make its own determination on whether to raise the drinking age. Those States that choose not to, however, will be subject to a loss of a small portion, 15 percent over 2 years, of their highway construction funds. These funds will be withheld until the drinking age is raised, at which time the 15 percent will be returned, or the highway authorization period ends and the funds expire. The States will be given a 2-year period in which to enact appropriate legislation before the sanctions go into effect.

The facts necessitating action by the Congress are tragic and conclusive.

Of the 25,000 persons who die each year in alcohol-related accidents, 5,000

of those victims are teenagers. That means that 14 teenagers die each day in drunk driver accidents.

The 130,000 teenagers that are injured per year in alcohol-related accidents. Therefore 14 teenagers die and an additional 360 teenagers are injured in alcohol-related crashes per day.

Of 330 children born today in the United States, one will die and four will sustain serious or crippling injuries in an alcohol-related crash before they reach the age of 24.

Drivers under 21 represent about 8 percent of the licensed drivers, drive about 9 percent of the vehicle miles but are involved in 20 percent of the alcohol-related fatal accidents.

Moreover, the insurance industry estimates that teenage drunk driving costs the United States $6 billion a year.

Almost 60 percent of fatally injured teenage drivers are found to have alcohol in their blood with 43 percent at legally intoxicated levels; they are 2½ times as likely to be in a crash in which alcohol is involved as the average driver; and even though the proportion of crashes in which the driver has been drinking increases through the early 1920's, the rate of alcohol-involved crashes is highest for teenagers.

The Surgeon General has reported that the life expectancy has improved over the past 75 years for every age group except one, and that is the 15- to 24-year-old American whose death rate is higher than it was 20 years ago. The single leading cause of death for this age group is alcohol-related highway crashes.

The Insurance Institute for Highway Safety, which has done major research on the issue, determined from a study of nine States that had lowered and then raised their drinking age, that there was a reduction of 28 percent in fatalities when the drinking age was raised.

One of the most disturbing statistics is the number of young servicemen who are not killed in war but in an automobile. In an ironic twist to the argument that draft-eligible young men should be permitted to drink is that the Pentagon recently reported to Congress that drunk driving "is the leading cause of death in the military." During 10 years of Vietnam conflict, America lost 6 times as many persons to drunk drivers as we lost to the enemy. The Secretary of Defense, Caspar Weinberger, has indicated his support for the National Drunk Driving Commission's recommendation that States should immediately adopt 21 as a minimum drinking age.

It is apparent that, without some encouragement from the Congress, there are States that will not raise the age limit to 21. The New York Legislature, for example, just defeated an attempt to raise the drinking age, despite major and vocal support for the measure.

The harmful, irreversible, external effects of the drinking practices of young people clearly warrant governmental action.

This action is not meant to punish but to save the lives of the youth of our country. Let us do our share to help to count the number who will be living because we have acted and not those who will die because we have done nothing.

I urge the Members to pass this amendment.

□ 1410

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

Mr. Chairman, as an original cosponsor of H.R. 5383, the Uniform National Drinking Age Act of 1984, I support the amendment offered by the gentleman from New Jersey, the chairman of the Public Works Committee.

The amendment being offered would withhold a portion of highway construction funds. The conditioning of highway fund allocations has been successful in the past in encouraging states to take action on issues that were determined by Congress to be in the best interest of the public, such as the 55 mph national speed limit and the Clean Air Act. To date, the sanctioning process has never been used, indicating its effectiveness and the unlikelihood that it will have to be employed.

Five percent of highway construction funds would be withheld in fiscal year 1987 and 10 percent of these funds in 1988. This allows a 2-year period for State legislative bodies to meet and decide upon a course of action before sanctions would go into effect. In addition, the total 15 percent would be returned to any State that has had its highway funds diminished at any such time in the future when it comes into conformity with the national minimum.

Because of the patchwork of State laws, the problem of teenage drinking and driving takes on a national hue. Most States with 21-year-old drinking ages border States with lower drinking ages, thus creating a situation in which it is necessary to drive to drink for those in the younger group. These borders tell the bloody tale in additional fatalities and injuries, which makes it imperative for us at the Federal level to take legislative action if we are to reduce this tragic loss of life.

The public by a large majority would support such an action. Gallup polls indicate that 77 percent of the population support a 21 drinking age, and 58 percent of those within the affected age group are in favor.

At the ages of 18, 19, 20, young people are simply too new and inexperienced at both driving and drinking to do both. Proof of this can be found in the fact that 60 percent of teenage drivers fatally injured in auto accidents were found to have alcohol in their blood systems, with 43 percent at legally intoxicating levels.

I urge adoption of this amendment.

Mr. Chairman, I would like to address a question to the gentleman from New Jersey.

Even though I believe that States will be uniform in their drinking age by the time the 2-year period of this bill is expired, it is my understanding that should that belief turn out to be only optimism and there are a sufficient number of States that have not raised their drinking ages, the committee may well want to increase the number of years in which sanctions will be imposed; is that correct?

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

Mr. ANDERSON. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

The gentleman is correct. Of course, when the money is withheld it is withheld for a certain number of years, although the States would not have the use of those funds. However, there would be the normal period of time of 4 years before apportionment to a State has actually lapsed. Although I feel very confident, as with the 55-mile-an-hour speed limit, after which this is patterned and which came from our committee, as the number of States are growing now up to 22 or 23 States, I believe that this amendment will hurry that up. And what the gentleman brings up will actually not be necessary, but I thank him for placing that in the RECORD.

Mr. ANDERSON. I thank the gentleman.

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

Mr. Chairman, I rise in support of this amendment. I have not easily arrived at this position. I started out by thinking I probably would oppose this amendment on the basis of States rights.

But as I studied the issue it seemed to me that the evidence is so overwhelming that we are faced with a national epidemic here: 5,000 teenagers killed in drunk driving accidents every year.

We must address this issue, particularly because we are faced in some States with situations where a State has a 21-year-old drinking limit, but the adjacent State does not, and we end up with virtual slaughter alleys where youngsters drive over the State line to get alcohol.

Pennsylvania, historically, has been in that sad position and there are many Pennsylvania teenagers who have been killed as a result of driving

into adjacent States in order to acquire alcohol because it was legally available to those under the age of 21.

So looking at the epidemic proportions of this issue, it seems to me that we should take this modest action and for that reason, States rights notwithstanding, I vigorously support the gentleman's amendment.

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

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his statement and wish to say that I can sympathize very much with the thinking that he went through because over a decade ago when this House was debating the 18-year-old voting age legislation, of which I was cosponsor, it was also due to the fact that if they are old enough to fight, they are old enough to drink and the 18- to 21-year-olds, half of them pay taxes, that all the adult responsibilities and privileges should go down to 18.

So philosophically that was my thought at that time. But as the gentleman referred to, the statistics are so overwhelming that I have changed my position on it, although my philosophical leaning might be the other way.

In the State of New Jersey which for years had 21-year-old drinking, while New York City had 18, our people about 50 some miles away, not only go to drink would go to New York and do the drinking, but then be forced to drive 50 or 60 miles later. During prom week or graduation week the most tragic situations happen to so many people in central New Jersey.

I am very happy to have the gentleman make that statement. I agree with him very much.

Mr. SHUSTER. I thank the gentleman.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey (Mr. HOWARD).

Parenthood is a responsibility that involves more than just feeding, clothing, and sheltering our children. We are their guardians who must nurture their development to the time when they can accept and manage the challenges of being an adult. As our children grow, their freedom to take greater control of their daily lives increases. However, the determination of the rate of their development is unique to each parent-child situation.

I share these obvious beliefs with my colleagues because they are relevant to the debate on this amendment. If our teenage son or daughter were to come home from a neighbor's party intoxicated, we would be outraged. Our rules of behavior are unique to our children, regardless of whether such permissive behavior is allowed in another's home.

The same situation relates to States with higher and lower drinking ages. My home in Pennsylvania, where the minimum drinking age is 21, is just 10 miles from New York, where the legal age is 19. Teenagers in Pennsylvania frequently drive across the border to purchase alcohol. Overindulgence and inexperience have led to tragic loss of lives and serious injuries.

A sovereign State shares the safeguarding of its youth with parents. Each State sets their legal drinking age. Yet, neighboring States are not capable of agreeing upon a uniform standard on their own. Only this amendment can correct this disparity, and I urge its adoption by my colleagues.

□ 1420

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the amendment.

I would like to speak to the Members of the House not so much as a fellow legislator at this particular moment but as a father of two teenage boys. I have raised two girls successfully and, so far, two boys successfully, without any problems with alcohol. However, the peer pressures are great. The instances of teenage alcoholism is high. The availability of whisky and beer in the schools has never been at the level that it is today.

I think it is vitally important on an issue such as this that we do have uniformity across the country. I have here a map that I would like to show to the House for its inspection that was prepared by the National Transportation Safety Board, which shows the patchwork quilt that exists in the country today, the different colors and configurations of design on the map showing the differences in the drinking age.

Right here where we sit today, we have an opportunity for these young people to shop as to where they would like to go, according to what the drinking age is. Right here in the Washington, D.C., area, in Georgetown, an 18-year-old can go legally and drink. Nineteen-year-olds can drink in Virginia. Just going a little north into Maryland, the age for whisky is 21 years.

It is about time that we do have uniformity in this country and that we do have an age that is recognized nationally as the proper age at which alcohol consumption is legal. This amendment is being made part of the highway bill, and quite properly so, for all of the reasons that have been given by the speakers that have gone before me. However, this has greater implications and I think even greater importance. I think that we as the elected Representatives of this country have an obligation to set a uniform age and set it sufficiently high so that we take the legal consumption of alcohol by our teenagers completely out of sight and start rolling the years of promiscuity that we have seen growing in recent years.

I strongly support this amendment, and I hope that each and every Member of this House of Representatives will support it.

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

Mr. Chairman, I want to compliment the gentleman from New Jersey for his leadership on this drunk driver issue. Changing the drinking age nationwide to 21 is a terribly important issue, and I think many of us have seen the tragedy on the faces of parents who have lost their teenage children because of drunk driving.

You know, we rarely have the opportunity in this Chamber to do something specific to save a specific number of lives, and we have this opportunity today. And I would like to remind my colleagues that it was the same gentleman from New Jersey who pushed for the 55-mile-an-hour speed limit, and that act alone by this Congress has saved 70,000 paralyzing back and neck injuries, not to mention thousands of lives.

Now we have a chance to do the same thing. And I would like to ask Members in this Chamber to visualize something here today. We have about 400 seats in this Chamber, and if everyone can imagine every one of these seats filled, the way we are when we have a joint session with the Senate, and imagine every one of the seats filled with teenagers who suddenly slump over and die. And then imagine it happening once again—every seat filled, the same scene, with different faces, and every one of those slumping over and dying, and do it yet a third time, the same thing.

Now, if we could stop that tragedy from happening, surely we would do it. If we could wave a magic wand and bring them back to life we would do it. Well, we can do it today. It is very clear that we know 1,250 lives would be saved, according to the Insurance Institute for Highway Safety, 1,250 young people just beginning their productive lives, if we pass this today. This estimate is sound. We know that when New Jersey changed the drinking age to 21 there was a 43-percent decrease in alcohol-related fatalities for 17- to 20-year-olds. The same thing happened in Michigan.

And what about the argument that 18-year-olds vote and they fight for their country and, therefore, they should have the privilege to drink at 18? As the parent of two teenagers, I have a lot of sympathy with that argument. But I think we have to get

beyond the philosophy. We have to get beyond that and go to the fact that we can save these young people's lives. We can do that today.

I think one of our most important duties is to protect the lives and the safety of our constituents.

It is interesting that the young people support this—over 50 percent of them support this. It is because of the issue of peer pressure. They want to be able to look at their friends and say, "We cannot drink. The drinking age is 21." In this way they do not have to be forced into the situation of drinking and driving.

So the facts are in. We have got to get behind the facts. We know we can save lives here today by passing this amendment.

Drunk drivers are really murderers waiting in the wings, and it is very unfortunate, because we are all on the same stage and there is nothing we can do about that. But we can get some of them off the roads. We can do that today. It is a very important first step. I urge an aye vote, and again I praise the gentleman from New Jersey.

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

Mr. Chairman, I am pleased to rise in support of this amendment and to offer my congratulations to the gentleman from New Jersey (Mr. HOWARD) for authoring it.

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

Mr. FLORIO. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding, and I thank him for his appearance here today. I know the gentleman from New Jersey (Mr. FLORIO) in the Commerce Committee has similar legislation. He has been a leader in this movement, and I want to thank him very much for the work and effort he has made to see this type of an amendment passed.

Mr. FLORIO. I thank the gentleman very much. I appreciate the kind comments.

Mr. Chairman, there is now a national consensus that Federal action is needed to establish a uniform nationwide drinking age of 21, and the reason for this consensus is obvious.

The number of deaths from highway crashes has risen to shocking levels. Fifty thousand people die every year in automobile collisions, with half of those fatalities attributable to the influence of alcohol.

What has only recently been fully recognized is the disproportionate involvement of young drivers in these tragic accidents. This is not speculation. The Presidential Commission on Drunk Driving found that "there is evidence of a direct correlation between the minimum drinking age and alcohol-related crashes among the age groups affected."

The evidence in our hearings on my own bill to establish a national drinking age of 21 strongly corroborated the findings of the Presidential Commisssion. For example, the Chairman of the National Transportation Safety Board stated that teenagers are 2½ times as likely as the average driver to be in an accident, in which they are involved with alcohol. He concluded that by raising the drinking age to 21 about 1,250 lives could be saved each year.

The patchwork of differing State laws aggravates the current problem by creating an incentive for teenagers to drink and drive, with often fatal consequences. To address this tragedy and halt the carnage on our highways, this amendment would create an incentive for the States to establish a uniform nationwide drinking age of 21.

In response to our hearings, I have received scores of letters from all over the country. In a decade of service in the House of Representatives, I have rarely seen such an outpouring of feeling. I am receiving resolutions adopted by towns and citizen groups. I am receiving letters from parents, teachers, physicians, government officials, schoolchildren, and many others.

These are not ordinary letters, casually written. These are parents afraid for the lives of their children. These are doctors who have treated too many critically injured patients, and these are young people writing about friends and siblings killed in drunk driving collisions.

These letters, more eloquently than anything we can say on the floor of this Chamber, say that the mayhem must stop and that the legislation before us must be passed.

These letters also reveal something else I consider very important. They tell us the public expects the Government to act to put a stop to the killing.

This elementary message is at odds with the view that the Government's role is one of drift and passive observation of the problems of our society. Here is a loud, clear message that the public wants not drift, but action.

Alcohol abuse is a complex social problem, but the 21-year-old drinking age is not a complex issue. The 21-year-old drinking age is a straightforward and proven way to save lives.

The public understands this and it supports this legislation. We should act promptly to save lives.

□ 1430

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

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I want to also join with the sponsor of this amendment in commending the gentleman in the well, Mr. FLORIO, in developing legislation that will achieve the same end by prohibiting the sale of alcoholic beverages to those under the age of 21 in interstate commerce.

As the gentleman in the well knows, under an amendment that I offered in committee to that bill, States are given 2 years to comply with the Federal requirement in recognition of the fact that State legislatures meet infrequently and will therefore require some time in which to comply with this new Federal requirement.

The Florio-Lent legislation is voluntary and does not provide, as this amendment does, for the withholding of Federal funds. I am concerned, I intend to support this amendment, because I think it will send the necessary message to the State legislatures. I want to ask if the gentleman is not as concerned as I am that there is some lack of flexibility here which could result in the withholding of highway safety funds for those States which do not comply with the 21-year limitation.

I yield to the gentleman for his response.

Mr. FLORIO. It is my understanding, in reviewing the amendment, that the safety moneys would not be jeopardized in any way. I think that is something that is a noticeable improvement in the amendment, and I am pleased to support on the basis of that modification. I commend the gentleman from New Jersey (Mr. HOWARD), for making that appropriate change.

Mr. LENT. I thank the gentleman.

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

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

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, I strongly support this provision in the legislation and I commend the gentleman from New Jersey, who is in the well, and the chairman of the committee for their leadership. I think it is high time; I think the American people are waiting for this. They are in strong support of it.

Mr. Chairman, I would like to commend my colleagues in the House who today adopted the amendment to H.R. 5504, the Surface Transportation Act of 1984, offered by the gentleman from New Jersey (Mr. HOWARD) to encourage each State to establish a minimum drinking age of 21. The amendment withholds up to 5 percent of Federal highway funds in the bill's first effective year from those States that fail to establish 21 as the minimum drinking age; the withholding is doubled to 10 percent of Federal highway funds in the bill's second effective year.

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It is now widely recognized that a 21-year-old drinking age is an important step that must be taken to combat the epidemic of highway deaths caused by drunken driving, and I previously have supported other efforts to increase the minimum drinking age to 21 at the national level. Of the 50,000 people killed every year in highway accidents, half are victims of drunken drivers. In disproportionate numbers, these drivers are young people, with 20-year-olds in particular a problem group. Moreover, there is clear evidence from States that have altered the drinking age that fatal crashes involving alcohol rise for younger drivers when the age limit has been reduced and conversely fall when it has been raised. Raising the drinking age will simply save lives.

H.R. 5504 also provides funding for the Basin Street grade separation in Allentown, Pa. The Basin Street railroad crossing has been a persistent problem for motorists in the area for several years. Often, traffic is tied up at this major artery of periods of 30 minutes or more because of trains crossing. In addition, the congestion caused by the crossing has inhibited in this area of Allentown. The Lehigh Valley transportation study considers this project of significant importance to improve the area's transportation system, which will enhance the economic growth potential of that portion of southeast Allentown. I am pleased that the House Public Works Committee has recognized the importance of the project in this legislation.

I urge my colleagues to support H.R. 5504. This legislation will go a long way toward repairing our Nation's highway infrastructure and improving highway safety.

Mr. FLORIO. Let me just say in my concluding remarks, and since everyone is paying bouquets, I see the gentleman from Maryland (Mr. BARNES) is about to assume the podium. He, likewise, has been a very helpful person across-the-board in the Congress in trying to frame some proposals to deal with this problem.

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

Mr. Chairman, I rise in support of this amendment. I think it is particularly important because in my congressional district and in this area, the young people are going across the river into Georgetown and into the District of Columbia where the age is 18, and quite frankly, if we do not pass this legislation, I have absolutely no confidence at all that the District of Columbia will ever act to raise the drinking age to 21.

Quite frankly, I want to express a disappointment in my own State legislature. When it has had an opportunity on several occasions to raise the age, it did not. I want to pay particular praise and commendation to the chairman, Mr. HOWARD, to the Congressman from the adjoining district, MIKE BARNES, who has done as much on this as anybody else. To Congressman GOODLING, who was one of the first people to introduce this, and Congressman HANSEN from Utah.

We will never know how many lives we have saved. How many innocent young people and innocent men and women will be saved by this. This is one of the most important things we have done. I say, full speed ahead.

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

Mr. Chairman, I commend the chairman for his leadership in bringing this important amendment before the House today.

By now, the tragic statistics related to drunk driving and its disproportionate effect on teenagers are well-documented. Clearly, drinking and driving is the number one killer of teenagers in the United States today. It is also clear that the establishment of a nationwide uniform minimum drinking age of 21 is the most effective means to quickly and significantly reduce this tragic, yet preventable carnage.

Today, only 22 States have enacted such laws, leaving a patchwork of 28 States and the Nation's Capital yet to take this life-saving action. As a consequence of this lack of uniformity, we are facing a situation whereby an incentive to drink and drive is established due to young persons commuting to border States where the drinking age is lower, thus creating so-called blood borders throughout the country.

This dangerous lack of uniformity is being felt here in the Washington, D.C. metropolitan area. The most recent "sobriety checkpoint" conducted by the Metropolitan Washington Police Department netted 37 drivers under the influence of alcohol. Eleven of them were under the age of 21. All 11 were residents of either neighboring Maryland or Virginia where the drinking ages are higher.

I served on President Reagan's Commission on Drunk Driving, and through all of our deliberations and public hearings that were held in every region in the continental United States, the establishment of a nationwide uniform minimum drinking age of 21 emerged as our prime recommendation.

In fact, at the initial urging of my Commission colleague—Jim Edgar—the Secretary of State of Illinois—the Presidential Commission also strongly agreed that, as part of this key recommendation:

> Legislation at the Federal level should be enacted providing that each State enact and maintain a law requiring 21 years as the minimum legal age for purchasing and possessing all alcoholic beverages. Such legislation should provide that the Secretary of the U.S. Department of Transportation disapprove projects under section 106 of the Federal Aid Highway Act for any State not having and enforcing such a law.

This amendment accurately and responsibly reflects the bipartisan consensus of the Presidential Commission on Drunk Driving. As numerous public opinion polls show, the American public—including persons in the affected age group—support this approach, and there is strong and broad support among the most active groups outside of Congress, including MADD—mothers against drunk drivers.

I urge our colleagues on both sides of the aisle to join together today to support this vitally important measure. Again, I commend Chairman HOWARD for his continuing leadership on this issue.

Mr. NELSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from Florida who has been a real leader on this issue.

Mr. NELSON of Florida. I appreciate the gentleman stating that, he being a member of the President's Commission on Drunk Driving. Some information has been given to me from my constituency that says that it was not unanimous on the Commission.

Mr. BARNES. I was there when the vote was taken. There were representatives of the alcoholic beverage industry in the room voting; it was unanimous.

Mr. NELSON of Florida. I thank the gentleman for clarifying that point.

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

Mr. BARNES. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to commend the gentleman in the well, Mr. BARNES, for his long crusade on this issue. I also want to commend the gentleman from New Jersey, my good friend, JIM HOWARD for offering this amendment. His remarks made here today are impressive and convincing.

We have a peculiar problem in western Massachusetts, especially the Berkshires.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. BARNES) has expired.

(On request of Mr. CONTE and by unanimous consent, Mr. BARNES was allowed to proceed for 1 additional minute.)

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

Mr. BARNES. I continue to yield to the gentleman.

Mr. CONTE. The New York border is just miles away from many towns and cities in my district. Many of the roads connecting the two States are treacherous, even for the best drivers.

The road over Lebanon Mountain, Route 20, is especially dangerous.

The disparity between the drinking ages in New York and Massachusetts creates a significant public safety hazard in this area. High school seniors, after graduation or the prom, travel across the border, where the age is lower, to purchase or consume alcohol.

The statistics describing drunk driving fatalities are depressing enough without this added incentive. Already, one American life is lost evey 20 minutes in alcohol-related auto crashes. I was shocked to learn this tragic statistic about drunk driving and young people. The Surgeon General has reported that life expectancy has improved in the United States over the past 75 years for every age group except one. The exception is the 15 to 24-year-old Americans whose death rate is higher today that it was 20 years ago. And the leading single cause of death for this age group is drunk driving.

I urge my colleagues to support this provision.

Mr. BARNES. I thank the gentleman for his comments.

Mr. Chairman, I yield to the gentleman from Utah (Mr. HANSEN) another member of the Presidential Commission.

Mr. HANSEN of Utah. I commend the gentleman for what he said, and I would like to point in regard to the gentleman from Florida, his question.

This was unanimous on the 21. I think a lot of us are big States rights people and we believe it should be done in the State. But this time, we are talking about lives of people. We are talking youngsters, and not only the youngsters, we are talking about people that they kill. When you are involved in that kind of business, and you have seen all those personal injuries and those bodies come out, and that Commission was just horrifying to us to see what came out of this.

I commend the gentleman for what he has done, and I urge support and passage of this. I just want to add my ratification to what the gentleman has said. It was unanimous as far as I am concerned that we should have the 21 age.

Mr. BARNES. Mr. Chairman, I urge support for the amendment.

□ 1440

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

Mr. Chairman, one of the saddest days in my life came in the Florida Legislature about 11 years ago when the drinking age in that State was lowered from 21 to 18, and my colleague, Mr. NELSON, and others who are now in this body remember very well that day.

It was a very sad thing because we anticipated that there would be carnage on the highway because of the lower drinking age and, in fact, that has happened, and many thousands have died on our Nation's highways since that time.

So, Mr. Chairman, I rise in strong support of this amendment offered by the gentleman from New Jersey, the chairman of the committee, which would establish a national drinking age of 21 years.

There is no greater waste than the needless death of just one of our young people because of alcohol. We have a responsiblity to protect our teenagers from the dangers of alcohol whenever possible. The teenage years are stressful and the combination of learning to drive, youthful risk-taking behavior and drinking accounts for the No. 1 killer of teenagers in our country today.

In States where a 21-year-old drinking age has been adopted, fatality rates have gone down. So we should have a national 21-year-old drinking age, have it adopted, and the percentage of teenagers killed by drunk driving will be lowered, and other lives will also be saved. So how can we oppose such an amendment that will save just one teenage life, or the life of anyone? So I urge all of my colleagues to vote for this as a lifesaving measure for teenagers and for countless thousands of others in this great country of ours.

Mr. HOWARD. Mr. Chairman, I feel in a very awkward position. Usually when debate goes on for quite some time on controversial amendments it tends to go and on and on, and at some point, knowing the amount of legislation and amendments ahead of us, we might ask for some kind of reasonable limitation on time. Here we are getting so much support for this, it seems we could go on for quite a while longer.

I wonder if we could find out how many Members intend to speak on that. I would intend to make a unanimous consent request for a reasonable amount of time so that we may be able to get on with the rest of the legislation.

The CHAIRMAN. Nine Members have risen.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto end in 25 minutes.

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

Mr. PORTER. Mr. Chairman, reserving the right to object, how much time is the gentleman allocating for each speaker?

Mr. HOWARD. That would be almost 3 minutes each.

Mr. PORTER. I would ask that the Chairman reserve 5 minutes for each.

Mr. HOWARD. All right, 45 minutes, then.

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

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Chairman, I would like to, if I might, congratulate those of my colleagues who have been in this Congress for more than one term who have been leading this effort over this time.

I would like to join in, as a person in my first term, in strong support of this amendment. I speak as a Member who comes from Michigan. We have had the experience of raising the drinking age and, thereby, lowering the death rate. That has been a connection that I think cannot be assailed either factually or in terms of the benefit of the result.

I also would like to speak not only as a Member from Michigan, but as a parent of four children. We have to balance here relations between the Nation and the States, and also we have to balance the interests and the rights of the Government and those of the individual. In this case, I do not think the balance is a close one. We must take action.

Every day any of us can pick up a newspaper from our community and see pictures of young people who have lost their lives. Within my experience, that is especially true after a weekend. We here are the fortunate. If we had been parents of a child who had lost his or her life, I do not think there would be any doubt that we would be here today speaking in favor of this legislation, but we are the fortunate, and we are speaking instead as surrogates, surrogates for the parents of those children who lost their lives because of the problem of the use of alcohol. We are also speaking today for the parents of children who are living who could become the victims of alcohol-related automobile accidents.

So I hope today we will all join together in an overwhelming demonstration of our support for this amendment. I would hope we would find a way for a record rollcall, or some show of overwhelming strength so that the other body gets the message, and also so the State legislatures hear the message, because I think what we are saying today rather clearly is that if this amendment is not enough, we will take further steps. This is a problem that is within the power of people entrusted with authority to remedy. This is just the first step on our part, and further steps will be forthcoming if there is not an adequate response.

So again, I rise in the strongest support of this amendment and I say to those of my colleagues who have been

leading this effort in the past years that we are pleased to join this and we hope that this vote will be heard around the Nation.

The CHAIRMAN. Members standing at the time the unanimous-consent request was made by the gentleman from New Jersey (Mr. HOWARD) will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. DEWINE).

Mr. DEWINE. Mr. Chairman, I rise in support of this amendment.

I spend a lot of my time, as I know my colleagues do back in their districts, talking to high school students. The high school students in my district know my position on this issue and they sometimes give me a hard time and ask me, "Congressman, why do you want to raise the drinking age to 21?"

I would like to share with my colleagues the answer that I give them. The answer is this: We can save lives by raising the drinking age. It has been proven in every single State that I am aware of that has raised the drinking age that the auto fatalities among teenagers has gone down.

One interesting statistic that I came across about a year ago, and I assume it is still true today: Every single age group in this country, the life expectancy of that age group is more today than it was in their parents' generation, and much more than in their grandparents' generation. This is true for every age group except one. The one age group that does not have that increased life expectancy from the time of their fathers and mothers is the age group between 16 and 25, and one of the main reasons they do not have that increased life expectancy is due to auto fatalities. We know that among teenagers the alcohol-related auto fatalities is above 50 percent.

So if we want to save lives, this is the way to do it. One of the speakers stated earlier that very few times on the House floor will we have an amendment that we know will save lives, where we will affect people's lives. This amendment will do it.

For those who are concerned about States rights, and I believe in States rights as well as anybody, I think the argument has clearly been made that there are constitutional underpinnings for the enactment of a nationwide law in this area. I would like to take those who are concerned about this back to the time when I was a prosecuting attorney in Greene County, Ohio.

□ 1450

I had the obligation to go to the scenes of accidents and see young children, young people who were maimed, who were killed, who had been injured because of drunk drivers.

I would like to take them to the time when I was in the State legislature and was sponsoring what became Ohio's new drunk-driving law and have them sit across the desk from a mother who had had her 7- or 8- or 9-year-old child killed. When we see that and we see that we are not dealing with something abstract, we are not just dealing with statistics but we are dealing with the lives of young children, I think it brings it home very clearly why this is an amendment we need to pass.

Mr. Chairman, I urge all of my colleagues to vote in favor of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, I rise in support of this amendment, and I have come to this position, very frankly, not too long ago.

I am one of those Members of this body who have been constrained by the arguments that if you are eligible as a result of your age to serve in the military, if you can become married, if you can vote and do other adult things, perhaps you ought to be able to consume alcoholic beverages and drive in this Nation. And I was concerned about that principle. I still am.

But after having reviewed the statistics that have been alluded to by other speakers, I am firmly of the opinion that we simply have got to do something about the carnage that is taking place on the highways of this Nation, largely engaged in by those in our society who are of teenage ages. If this amendment does not help, at least it is a step in the right direction that will attempt to help, and I intend to support it for that reason. I congratulate the gentleman from New Jersey (Mr. HOWARD) and others who have so strongly supported it.

I will not take the full time, Mr. Chairman, but let me share with my colleagues an experience that I had just several weeks ago when in my district we organized a town meeting on alcoholism and drug abuse. As a kind of a different twist at that meeting, I got three people out of my office, and we put them on stage in an elementary school right across the river, and we let them pick and choose the beverage that they normally preferred, an alcoholic-type beverage. We had a police officer there with a breathalyzer, and the place was full of TV cameras, and we said: "Ladies and gentlemen, you consume this alcoholic beverage at your normal social rate that you would if you were in a social setting."

We gave them a breath test at the beginning of the town meeting. There were 400 or 500 people in the audience. They were all tested negative, of course.

Of the three persons, there was a young man who is an intern in my office here on the Hill. He is slightly over 21, of normal physical build. He had five beers in the course of about 1 hour and 45 minutes, and at the end of that period of time he tested 0.12, which in Virginia is legally drunk for the purposes of driving home.

We had a middle-aged housewife—I hope that is not too unkind—who works in my office, who drank three glasses of wine.

The purpose of this, Mr. Chairman, was to deal with the I-can-handle-it problem—"everybody else gets drunk and drives, but that is their problem. I can handle it."

This young lady had three glasses of wine and tested at 0.06, which is 60 percent of the way to the point where she is legally drunk.

Finally, there was a young man, 25 or 30 years of age, in my office, who is a very large young man, probably weighing 250 pounds. He is heavy. He is a heavy-set young man. He had five Scotches-and-waters that he consumed in 2 hours, and he tested at 1.14, which is four-tenths percent above where he was legally intoxicated for the purposes of operating his automobile.

Now, this was not a drinking match. This was not chugalug. This was over a period of 2 hours, 4½ drinks, which is not exceptionally large consumption. But every single one of these persons, with the exception of the young lady, legally must have had to be taken home or they would have been intoxicated on their way there. That is the I-can-handle-it problem graphically illustrated.

Mr. Chairman, I congratulate the Members who are supporting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. ROWLAND).

Mr. ROWLAND. Mr. Chairman, I do not rise in opposition to raising the legal drinking age to 21. I have introduced legislation in this House to take Quaaludes, which has been a badly abused drug, off the market, and I very much oppose the use and abuse of alcohol.

What we are talking about here is not a matter of whether or not it is legal for these people to drink and drive, because it is illegal for anyone to drink and drive. But, Mr. Chairman, let me call to the attention of the Members that just yesterday we had ceremonies in France recognizing those people who had given their lives to try to liberate Europe from Nazi tryanny. There are many 19- and 20-years-olds that lie in those cemeteries in France now who gave their lives, and it is my feeling that if we are going to raise the age to 21 for the legal purchase of alcohol in this country, then we should also raise the age for the registration for the draft to 21.

Mr. Chairman, it goes even further than that. If we are going to raise the age to 21 for legal drinking, then we

should raise the age of majority to 21 also. How can we expect these people who are 19 and 20 years old, who are raising their own families, not to have the privileges when they are given the responsibility for as adults otherwise? I think it is wrong for us to do this.

Mr. Chairman, I think we ought to consider very seriously what we are doing. We should make some other changes, not just raise this legal age to 21, and address these other responsibilities that come to 18- and 19- and 20-year-olds.

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

Mr. ROWLAND. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I rise in support of this amendment. I think it is a worthwhile and a good amendment. It has contentions about it, as we have heard, but most of them do not really relate to the actual statistics that have been pointed out here so well.

The real reason why I am taking the floor is because in listening to these speeches I have had a feeling that many Members here were thinking about just the people dying and being killed who themselves drank. Well, it so happens that two of my dearest friends lost their only child because of a death caused by the consumption of alcohol. In this case these children had absolutely nothing to do with the drinking, they were not at the party, they were not in the automobile, but they were killed that way. Older people are also killed that way, by young people driving under the influence of liquor.

So it is not an excuse to say that it is their own responsibility, that they are going to kill themselves, and that is up to them. That is not a logical thing to say because they are killing other people who are perfectly innocent.

So I am saying that this is an ideal time to do something about this. It may well be that we did something wrong about changing certain things, about the voting age and things of that type. Maybe we did. But this issue ought to be looked at for what it is, and that is that it is done in order to save lives, not only of the people who do the drinking but also of those that they kill because of their improper driving.

Mr. Chairman, I very much support this amendment.

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

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, this is a good time to bring this discussion to the floor of the House, although 2 weeks ago or 3 weeks ago it probably would have been even a better time.

During my 22 years in education, this was the time of the year when I never got very many good hours of sleep at night, primarily because I was worried about and concerned about what I was going to hear on the news or read in the newspaper about some of the youngsters I had in school who were celebrating commencement or baccalaureate or going to the senior prom, particularly as they would go across the border and buy alcoholic beverages and then lose their lives or cause others to lose their lives on the way back.

So I, for one, am continually plagued by the alarming fact that teenagers are the only group in this country for whom life expectancy has declined. The reason is because drunk driving is the No. 1 killer and crippler of teens today. While they comprise only 10 percent of the driving population, teenaged drivers are involved in more than 20 percent of all alcohol-related traffic deaths, resulting in an average of 5,000 deaths and 130,000 injuries every year.

Many of my colleagues are convinced, as I am, that we need a uniform drinking age of 21, and we need action from the Congress along those lines.

Mr. Chairman, I commend the gentleman from New Jersey (Mr. HOWARD) for bringing this to our attention and for giving us the opportunity to discuss this issue today.

□ 1500

I want to particularly commend the tireless efforts of Candy Lightner, who is the founder of Mothers Against Drunk Drivers, and Chuck Hurley, executive director for Federal affairs at the National Safety Council, for their work in bringing the problem of teenage drunken driving to the attention of all the Members in the Congress, and to Carol Ann Bischoff on my staff, who has just recently graduated from that teenage era and is now actively leading the crusade.

I am delighted that along with Congressman HOWARD, we have other colleagues, Congressmen PORTER, CLINGER, BARNES, ANDERSON, LANTOS, NELSON, and FLORIO, all of whom my staff and I have worked with ever since I was the first person who introduced such an amendment back 19 months ago after I received a letter from a young couple who sent a picture of their 6-month-old son who had just been killed in an automobile accident, not because the parents had been drinking and driving, but because someone else was drinking and driving and caused the death of this young child.

Just recently I was delighted to have with me Curt Warner, the American Football Conference Rookie of the Year at the Carlisle Senior High School, Carlisle, Pa. Curt made it very clear—he was in this area to receive the Most Valuable Player Award—and the former Penn State all-American halfback made it very clear to those teenagers that drinking and driving, drinking and success just do not mix.

Someone said to him, "Well, have you always been a goodie?"

And he said, "No. If you understand my freshman year at Penn State, you will understand that I didn't have a very good year. I came there as a hot dog with lots of publicity," and he said, "I didn't know how to say no to the older men," and he said, "I started picking up habits that were just not compatible with being successful."

He said, "I then made a decision. I said to myself the same thing I am saying to you students today. It takes a big man or woman to stand up and say no, but you've got to stand up for what you believe in. Stand up for what is right."

So I would urge all my colleagues to likewise stand up for what is right on this issue in which I so fervently believe; stand up against the carnage on our Nation's highways; stand up against the tragic deaths of 5,000 teenagers every year, 14 teenagers everyday stand up against the No. 1 killer and crippler of our Nation's most precious natural resource, our future, our children, our sons and our daughters. Stand up for what is right and support the Howard amendment.

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

Mr. GOODLING. I am happy to yield to the gentleman from Indiana.

Mr. COATS. Mr. Chairman, I want to support this amendment and to speak on behalf of this for just a few seconds, if the gentleman has time left.

I come from a district that is bounded on two sides by other States. The combination of young people driving into those States whose drinking age is lower that the State of Indiana, it is 21 in Indiana, and then driving back under the influence has caused us the lives of many of our teenagers.

So many people say, "Well, why don't we just leave this to the States?"

Well, we have taken that route in Indiana and passed a law mandating a 21 age, but our neighboring States did not. Therefore, on a Friday night or Saturday night the kids get in their cars, they go over to the other State and then with the combination of driving and drinking, it has caused the needless loss of a lot of lives, so I think uniformity is needed among the States for that very reason alone.

I thank the gentleman for his time.

Mr. GOODLING. May I say that 21-now deals with this amendment. There are a lot of other people that thought this button was about other things, like my age, et cetera. Twenty-one—

now means that now is the time to act and we can do that very soon.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. McNULTY).

Mr. McNULTY. Mr. Chairman, this amendment should be passed because the life of the law is experience, not logic. We demean this debate by speaking of it in ideological or dogmatic terms.

The plain practical truth is that alcohol is this Nation's most serious drug. The happy news to teenagers is that any of them who do not have problems with the drug called alcohol will in all likelihood not have problems with any other drug.

So it is important for us to understand that this national forum is an appropriate place to say that it is our practical consensus that alcohol should not be consumed by people under the age of 21 years. That has absolutely nothing to do in terms of experience with whether or not we expect young people to wear a uniform, nor may I say, even to die.

Now, no legislator worth his or her salt, no legislator with legal training can think otherwise than that the law is a minimum tolerable code of social conduct. Everyone knows here that there is a statute of frauds that says an agreement respecting the conveyance of real estate that is made orally cannot be enforced in court. Is that immoral? Perhaps so, but that is the distillation of human experience. It accepts people with their warts as they are and tries to regulate that conduct in practical terms.

So there is nothing silly at all about the idea that we state here today that we think people under the age of 21 ought not to consume alcohol, and the amendment should be passed.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PORTER).

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

Mr. Chairman, I want to start by commending my colleague, the gentleman from New Jersey (Mr. HOWARD) for his leadership in offering this amendment. It is a concept that I embodied in legislation I introduced in the House in April 1983. Its concept has also been endorsed, as has been said, by the President's Commission on Drunk Driving last December.

I would commend also the gentleman from New Jersey (Mr. FLORIO), the gentleman from Maryland (Mr. BARNES) and the gentleman from Pennsylvania (Mr. GOODLING) for their long time leadership in this area.

I am particularly sensitive, Mr. Chairman, about this problem because my district, borders on a State with a lower drinking age than that which obtains in my State of Illinois. We call the border between the States of Illinois and Wisconsin "blood border," Mr. Chairman, because so many young people go to Wisconsin to drink legally and are killed or injured coming back home.

I would like to quote a portion of a letter written to me by the Secretary of State of the State of Illinois, Jim Edgar, a member of the President's Commission on Drunk Driving that recounts part of this problem:

The lack of a uniform drinking age is of special concern to those of us who reside in Illinois considering that we have two bordering States, Iowa and Wisconsin, where the drinking age is now 19 years. The border with Wisconsin along Lake and McHenry Counties has been called the "blood border" due to the high number of motor vehicle crashes involving our young people returning from Wisconsin. Since Illinois restored the drinking age to 21 in 1980, we have shown a substantial statewide reduction in the number of young drivers killed on our highways. Unfortunately this reduction has not been nearly as significant in those counties bordering Wisconsin and Iowa. It does not appear that either State will act to remedy this situation in the foreseeable future. Legislation has been introduced in both States to raise the minimum drinking age to 21 for all alcoholic beverages, but has not been successful. Further, Governor Earl of Wisconsin has publicly announced that he would veto any bill which raised the drinking age above 19.

Mr. Chairman, 56 percent of our States have borders that are similar to the "blood border" in my district.

Only 23 States have adopted 21 as the minimum drinking age, 27 have not. It is very obvious that we need national guidance and national leadership on this issue. Will the States respond to an approach like this one? I think our experience with respect to the 55-mile-an-hour speed limit indicates that all will respond and raise their drinking age in order to maintain highway funds.

The amendment as introduced maintains State sovereignty and does not impose upon it. It allows the States, if they choose, not to raise their drinking age to 21. It maintains State enforcement in this area, which I think is very important.

I would urge not only the Members of this House, but I would also urge the President of the United States, who has not yet endorsed this recommendation of his Presidential Commission on Drunk Driving, to support this approach and to sign it ultimately into law.

I submit for the RECORD correspondence from a number of groups vitally interested in this matter:

STATE OF ILLINOIS,
OFFICE OF THE SECRETARY OF STATE,
Springfield, June 1, 1984.

Hon. JOHN E. PORTER,
Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN PORTER: One of the most sobering statistics to those of us who have a responsibility for highway safety is the fact that life expectancy for young persons 15 to 24 years of age has actually been decreasing, while the life expectancy for all other age groups has significantly increased. The major reason for the death and injury of these young persons is motor vehicle crashes, at least 60 percent of which involve a drinking driver.

As you know, much has been done during the last three years to combat the drunk driver problem. However, a very important task which remains to be accomplished is the establishment of a uniform age at 21 years for the purchase and/or possession of alcoholic beverages among all States. Currently, approximately 23 States have laws requiring a minimum 21 year drinking age. Inherent in the fact that only less than half our States have a minimum 21 year drinking age is that many of our young people, especially those who reside near State borders, are actually motivated to drive to neighboring States where the drinking age is lower. The result, of course, is that these same persons then commute to their homes following an evening of drinking, and many are involved in needless tragedies which result in the death and injury of themselves, their passengers, and other persons who may be sharing the highways.

The merits of a nationwide, uniform minimum 21 year drinking age for all alcoholic beverages are well founded. This issue was given much consideration by the Presidential Commission on Drunk Driving which resulted in the Commission's recommending that legislation be enacted at the Federal level providing that Federal-Aid Highway Funds be withheld from States not enacting such legislation. As you may know, I served on the Presidential Commission on Drunk Driving and was the leading proponent of this recommendation.

The lack of a uniform drinking age is of special concern to those of us who reside in Illinois considering that we have two bordering States, Iowa and Wisconsin, where the drinking age is now 19 years. The border with Wisconsin along Lake and McHenry Counties has been called the "blood border" due to the high number of motor vehicle crashes involving our young people returning from Wisconsin. Since Illinois restored the drinking age to 21 in 1980, we have shown a substantial statewide reduction in the number of young drivers killed on our highways. Unfortunately this reduction has not been nearly as significant in those counties bordering Wisconsin and Iowa. It does not appear that either State will act to remedy this situation in the foreseeable future. Legislation has been introduced in both States to raise the minimum drinking age to 21 for all alcoholic beverages, but has not been successful. Further, Governor Earl of Wisconsin has publicly announced that he would veto any bill which raised the drinking age above 19.

Legislation is pending in Congress which would provide strong encouragement to all States to pass laws requiring a minimum 21 year age for the purchase or possession of all alcoholic beverages.

At this time, Chairman James Howard of the Committee on Public Works and Transportation, has introduced H.R. 5383 which would provide a period of one year for each State to enact such legislation. Following this, 5 percent of any State's Federal-Aid Highway Funds would be withheld during the second year in which the State had not enacted such legislation, and 10 percent withheld during a third year in which the State had not enacted such legislation. I understand that Chairman Howard plans to bring this measure before the House in the

near future. Also, Senator Frank Lautenberg (New Jersey) has introduced S. 2719 which contains identical language.

I would very much appreciate your supporting and joining as a co-sponsor on this important legislation.

Thank you very much for your consideration. I value your alliance in making our highways safer.

Sincerely,

JIM EDGAR,
Secretary of State.

THE NATIONAL PTA,
Chicago, Ill., June 1, 1984.

DEAR REPRESENTATIVE: The National Congress of Parents and Teachers (National PTA) urges you to vote for the Uniform Minimum Drinking Age Act (H.R. 5383).

This measure would withhold Federal highway funds (but not safety funds) from States that do not raise their drinking age to 21. In FY 1987, 5 percent of highway monies would be withheld; in FY 1988, 10 percent would be withheld. All funds withheld would be released to the States upon adoption of a minimum drinking age of 21.

The National PTA, a volunteer organization of 5.4 million members concerned about the safety and well-being of our Nation's youth, believes Congress must respond to the tragic loss of life and injury caused by drinking and driving. Because a disproportionate number of accidents caused by intoxicated drivers involve those under 21, PTA members have been urging their States to raise the drinking age to 21. Many States have, but too many have not. The problem is further compounded when "21 States" border those with a lower drinking age. Too often young people drive across the State line to consume alcoholic beverages, and then endanger their lives and those of others on the highways.

Only Federal legislation can rectify this situation. That is why National PTA has endorsed the Uniform Minimum Drinking Age Act and strongly urges you to vote for the measure when it comes up for a vote soon.

Thank you for your concern about our Nation's youth.

Always for the children,

ELAINE STIENKEMEYER,
President.

CARTA,
Spokane, Wash., February 10, 1984.

Representative JOHN E. PORTER,
Longworth House Office Building, Washington, D.C.

DEAR REPRESENTATIVE PORTER: Citizens Against Alcohol-Related Traffic Accidents (CARTA) would like to express its very strong support for H.R. 2441, prohibiting the use of Federal highway funds in any State in which the minimum age for the consumption of alcoholic beverages is less than twenty-one.

Citizens Against Alcohol-Related Traffic Accidents (CARTA), is a broad-based citizens group which has gained the support of the Spokane community (evidenced by over 3,000 signatures collected in one week) for our efforts to end the needless tragedies caused too often by drivers who have been drinking.

Accidents on routes from Idaho to Washington are far too frequent. The legal drinking age in Idaho is 19; in Washington it is 21. The city of Spokane, Washington, is located just 20 miles from the Idaho border, allowing young people to have access to alcoholic beverages within a half-hour's drive. Just across the state line in Idaho are row after row of night clubs and dance halls attracting not only 19 to 21 year olds, but also young people under 19 and over 21. Spokane County has five colleges with a total enrollment of nearly 22,000 students, and a total population of approximately 14,000 19 and 20 year olds who are permanent residents. As you might imagine, the drive to Stateline, Idaho, is a very popular one among students and young people.

But it is also a deadly drive. Over the three years, 1979 to 1981, 23 people have been killed in drinking driver accidents on Idaho to Spokane connecting routes. An astounding 83% of the drinking drivers were under 25 years of age; and fully half of the drinking drivers who caused fatal accidents were under 20 years old. Not only have drinking youth caused fatalities, they have contributed significantly to the number of injuries and property damage happening within in our county.

To quote a May 4, 1981, article entitled "Weekend Slaughter" printed in our local paper, the Spokane Chronicle:

"It's a problem that has been with Spokane a long time—young people migrating every weekend to Idaho drinking establishments where they can drink beer at age 19, two years sooner than Washington's minimum age of 21. Then, after an evening of drinking, they drive home through a gauntlet of reckless drivers.

"When that procession begins, the 20-mile trip from State Line to Spokane is not safe, even for a driver who hasn't touched a drop of alcohol. Cars weave in and out of traffic, many times at speeds in excess of 100 mph. Accidents and injuries are frequent. Fatalities are routine."

In describing just one of those fatal accidents, the paper reported the words of a Washington State trooper:

"We figure the car was moving at a minimum of 110 miles an hour when it left the road. It bounced and flew into the air three different times before smashing into a fence post at the corner of the field."

I arrived a couple of minutes after it happened. The driver and passengers had been thrown out the car. Some people had stopped and were trying to help. There was pandemonium and everyone was screaming.

That accident took the lives of two Spokane women. One was 18, the other 19. They were sisters. They had been drinking with friends at State Line, Idaho, and were on their way home when the accident occurred. The fact that one sister was just 18 and had been drinking in Idaho illustrates Idaho's permissive attitude which commonly allows even 15 and 16 year olds to drink without being checked for ID's.

A similar concern for this Idaho 19 year old drinking age is shared by our sister communities to the south, Pullman and Clarkston, whose Idaho counterparts, Moscow and Lewiston, constantly lure Washington under-21-year-olds across the border.

Despite strong public concern, Idaho has not yet accepted its responsibility to raise its legal drinking age. By its inaction, Idaho has sanctioned the disproportionate numbers of drinking-related accidents caused by youth, and has allowed our youth to keep on dying.

We've seen far too much death, injury, and destruction on our highways. We urge Congress not only to support, but to champion H.R. 2241. It is your chance to help make our highways safer for all of us, and to protect the future of our youth.

Sincerely,

DON GRIFFITHS,
Chairperson for Citizens Against Alcohol-Related Traffic Accidents.

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., March 1, 1984.

Hon. JOHN E. PORTER,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR REPRESENTATIVE PORTER: The American Medical Association takes this opportunity to inform you of our support for H.R. 2441. H.R. 2441, which you sponsored, would encourage States to raise the minimum drinking age to 21.

The American Medical Association supports efforts to reduce the carnage occurring on our Nation's highways as the result of drunk drivers. We supported legislation adopted in the last Congress to provide incentive grants to States that increase their efforts to reduce drunk driving. Many of the recommendations of the Presidential Commission on Drunk Driving are supported by the AMA. We also support increasing the drinking age in those States that currently have a drinking age of less than twenty-one as one means of addressing this problem. In December 1982 the AMA House of Delegates approved a resolution which provides:

That the American Medical Association encourage each State medical society to seek and support legislation to raise the legal drinking age to 21 if the legal drinking age in its State is under 21.

The American Medical Association commends your efforts to address this national problem.

Sincerely,

JAMES H. SAMMONS, M.D.

NORTHERN ILLINOIS
COUNCIL ON ALCOHOLISM,
Waukegan, Ill., February 3, 1984.

Congressman JOHN PORTER,
Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN PORTER: I am writing in support of H.R. 2441, a bill which you have introduced in the House of Representatives.

As an agency we see literally thousands of court referred offenders in our programs. Our experience verifies what study after study has shown, that the younger the drinking driver, the more serious the accident and often the more difficult to deter from future offenses.

We often discuss the drinking age issue in our programs and community presentations, and we certainly realize the complexity and the ownership of the issue. Here in northern Illinois we also experience the border problem with young people crossing the State line into Wisconsin, of necessity by car, to drink at a younger age. It seems clear that to affect the unacceptable rate of teenage deaths from DUI and to ensure that compliance is uniform, the problem must be addressed on a national level.

To this end we endorse and support H.R. 2441 to the goal of a 21 year old minimum drinking age at a national level.

Enclosed please find additional materials about our agency and the work which we do concerning driving under the influence.

Sincerely,

DAVID GATES, MA, CAC,
Associate Director.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. VALENTINE).

Mr. VALENTINE. Mr. Chairman, I do not come here to oppose this amendment. As a matter of fact, I expect that I will support it, but I do want to draw to your attention a matter which I have not heard anybody here speak to concerning this problem of the use of alcohol by teenagers.

You know, we can raise the drinking age to 21 or we can raise it to 25 or to 35 or maybe to 50, but I have not heard anybody say anything here about what I think is one of the real culprits. You cannot turn your television set on without observing the national networks advertising beer and wine and pouring their glasses full of the frothy mead, and this is around athletic contests. It goes into the homes. It is seen by everybody from the 3-year-old on up. And it is made to look like the acceptable thing to do.

□ 1510

They never show anybody staggering out of one of those bars after they have had too many Budweisers or whatever. And then we suffer this to occur and then one day we look around and say, "Well, what do you know, the children are drinking."

I suggest to you that the television networks in this country are instructing these young people on how to drink and are making it look acceptable. Now, if we really want to do something about this problem, let us face this which cannot be done on a State-by-State basis.

You know, you say you cannot violate the rights of people to advertise. You cannot advertise cigarettes on television. It is against the law to see anybody puffing on a Chesterfield or a Lucky Strike or whatever. But you can advertise all of the alcoholic beverages, save whiskey; you can advertise beer and wine to your heart's content.

I suggest to you, I say again I am not going to be in a position of saying that this Member is going to vote against this measure. But if we really want to do something about the problem, then I suggest that we have the courage to face this unlimited advertising of a product which people have stood on the floor of the House and said it is a drug, that it is destroying people, and, of course, it is.

I suggest that we will have not completed our business until we face that facet of the problem.

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

Mr. VALENTINE. I yield to the gentleman from New Jersey.

Mr. MINISH. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from New Jersey (Mr. HOWARD). Mr. HOWARD'S amendment, encouraging the States to establish a minimum drinking age of 21 years, is an important and necessary step toward reducing the number of alcohol-related driving fatalities each year.

As a sponsor of H.R. 3870, a similar initiative designed to stem the tide of drunk driving, I have been deeply concerned about the carnage which occurs on our roads every day. There are those who say that if the 21-year-old drinking age became public law, it would be an inconvenience to some of our young adults. But to these critics I say the price our country is paying in the loss of young lives is simply unacceptable. As a civilized nation, we cannot sit back and passively accept the current situation.

When the drinking age was increased from 19 to 21 years old in my home State of New Jersey in 1982, the National Commission Against Drunk Driving reports that for the first 6 months of 1983, preliminary statistics showed a 43-percent decrease in alcohol-related fatalities for 17- to 20-year-olds. This is the type of positive progress we need to be making throughout the country.

Therefore, Mr. Chairman, I urge all of my colleagues in the strongest possible terms to vote in favor of the amendment by the good gentleman from New Jersey.

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

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. I think that when we look at this particular legislation and this particular amendment we have to look at it from a multifaceted perspective. It is not so simplistic as simply raising the drinking age to 21. It is not that on its face alone that we are doing.

We are doing a number of things that need to be addressed. I think what this amendment is intended to do in addition to lowering the number of traffic fatalities and removing some of the presence of alcohol from our teenagers and to try and reduce the kind of abuse that is going on in this country, is to make a statement on the part of the Congress that we are not happy with the direction in which alcohol abuse is going in this country.

But I do not think we should fool ourselves that that legislation is really going to get to the bottom of the problem. The problem is far greater than that.

We need much tougher laws against alcohol abuse in our States. We need to have a much better program of education in our schools and we need the appearance of even handedness and fairness.

One has to ask himself or herself why we have had so difficult a time changing the drinking age in the State legislatures. When one looks at what happened recently in my State of Florida where the drinking age is now 19, and I think that is a very good age for it to be. Certainly it is arguable that that is as good an age or a better age than 21.

The difficulty just two weeks ago in gaining a change in that law was in part because the legislators there were not convinced that by passing an increase in the drinking age they were really going to get at the problem. Instead there was a concern that, and it is a concern with this Member, and it should be with other Members in this body, that we are going to be fooling ourselves and the body politic that we going to make a significant and important inroad into this problem.

The question is also one of whether or not we are asking in this amendment for a form of discrimination against those from the ages of 18 to 21 and whether that is a reasonable discrimination to make.

Obviously quite a few Members of this body, and I would dare say in all probability a majority believe that it is a reasonable discrimination to make. But we allow those who are 18 today to marry. We allow them to have children and to sign contracts and to vote and to go off and serve in the Armed Services, and to come under fire and to die for our country, and to do everything else. There is no other disability that we give anyone who is over the age of 18 today, aside from those variations in our drinking laws already on the books.

The question in part is not simply the question of saving lives, because we would certainly save a lot more lives if we increased the drinking age to 25, or 28, or 30. In fact, there are statistics, there are all kinds of statistics, some of them out here today, that show that the rank order of actual number of fatal accidents in this country, that the highest No. 1 age group is the age 37. The second is the age 26, and the third is age 30.

There are an awful lot of traffic fatalities due to alcohol abuse today that are certainly at ages that are far above the age of 21.

So I simply take this time to ask my colleagues to reflect as they pass judgment on this amendment today on the fact that drinking, yes, is a very serious problem but that this amendment in and of itself or perhaps even alone is not going to do the kind of trick that we are, at least a good number of people here today are advocating that it will.

In fact, it does possess inherently in it, as a couple of gentlemen have pointed out before me, a form of discrimination against young people of a certain age group, many of whom have exhibited the maturities that we had hoped that they would when we gave

them the right to vote and removed all other disabilities.

I am not at all sure we are going to serve either them or the public as a whole if we think we are solving many of the problems of drug abuse and alcohol abuse by passing this amendment.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I want to associate myself with the comments just made. While I intend to vote for the amendment, let me assure you that my personal view is that simply raising the age is not going to cure the problem.

The State of Maine is a good example. In the State of Maine in 1977 the drinking age was raised from 18 to 20. The State of Maine did not experience any appreciable good results in the reduction of accidents and injury on the highway occasioned by young people drinking and driving.

The problem is that this amendment and others like it do not attack the central problem and that is drinking and driving. Simply raising the age to drink will not stop young people from drinking and driving.

So in 1983 the State of Maine tried a new approach, a new idea that has some real success to its credit. The new idea was to lower, in effect, the tolerated level of alcohol content in the blood for those under 21. In effect, Maine said that if you are caught driving a car and you have 0.02 percent alcohol in your blood, that that is sufficient to suspend your license for a year.

When Maine enacted that law in 1983, in just 9 months 1,200 licenses of young people under the age of 21 were suspended. Young people who were drinking and driving were in effect taken off the roads.

Now, given the opportunity, and I do not have it here with the limitations of time, but when this amendment is offered on the Florio bill, when the Florio bill comes before the House, I will be offering the chance for the House to vote for an amendment that would give the States the option to adopt a law like Maine has adopted and still maintain the highway funds and not suffer the penalty of Federal law.

That is to prove that there is a new way, a new approach of dealing with the terrible tragedy of accident and injury and death on our highways occasioned by the use of alcohol in driving by penalizing specifically the young driver who mixes alcohol and driving, which is what we ought to be doing rather than simply creating a new discrimination for those people, young people between the ages of 18 and 21.

After all, if someone 18 or older wants to drink and not drive, and that person has been accorded the rights of adulthood in this society, why should we not let him do that, providing he does not abuse it by getting in a car and driving and causing an accident or injury.

The Maine approach gives that new idea a chance to work, and I will be offering it on the Howard amendment when it comes to the Florio bill on the Florio bill itself.

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

Mr. SIKORSKI. Mr. Chairman, I am pleased to support Congressman HOWARD's amendment.

The statistics surrounding drunk driving are horrendous: One out of every two Americans will be involved in an alcohol-related auto crash in his or her lifetime. The No. 1 cause of death for people under the age of 35 in America is drunk driving. Of the 25,000 Americans who die each year from alcohol-related traffic accidents, over 10,000—that is 40 percent—are under the age of 21.

When a drunk driver turns the ignition key, it is like loading a dangerous weapon. Thousands and thousands of innocent children and adults are slaughtered or maimed by someone who decided that he or she (and in 80 percent it is a he) could handle a car after drinking.

Forty-four percent of fatal alcohol-related crashes at night are caused by people between age 16 and 24. Thousands of teenagers are crippled or suffer other serious injuries because of drunk drivers. It is time for Congress to face up to these statistics.

As a Minnesota State senator, I authored two major laws that made Minnesota one of the toughest States in the Nation on drunk driving. As a result, there has been a 32-percent decline in alcohol-related deaths since 1981. When we lowered the voting age, I was not convinced a higher drinking age was a good idea. I felt we did not have the data showing it would make a difference, that parents were trying to shirk their responsibilities and magically resolve a complex social problem by simple legislation. There still is a lot of that wishful thinking around but it is just too plain from study after study, State after State: raising the age saves lives. Kids do not kill themselves and others—at least there are major reductions in drunk driving accidents involving young people—when the age is a uniform 21. I consider myself fortunate as a 35-year-old American to get a second chance to save the lives of all the future victims of drunk drivers.

I hope that today's vote is only the first of many as we consider the Presidential Commission's recommendations. We will have succeeded in this area only when no person who has been drinking will drive; and we will accomplish that through real concern from family and friends; strictly enforced, publicly supported, tough drunk driving laws; and compassionate but honest treatment programs.

● Mr. LANTOS. Mr. Chairman, the issue before us today is the need for States to adopt a uniform drinking age of 21. Alcohol-related automobile accidents are the leading cause of death for young Americans between 16 and 24 years of age. And this time of year—with graduations and proms—is the worst time for alcohol-related deaths to teenagers.

The statistics are devastating—some 25,000 people each year—71 people every day—die in automobile accidents in which alcohol is a contributing cause. One out of every two Americans will be involved in an alcohol-related automobile accident in his or her lifetime, with a high percentage caused by persons under the age of 21 driving under the influence of alcohol. Almost 5,000 teenagers die in alcohol-related accidents every year. The rate of 16- to 19-year-old drivers involved in alcohol-related fatalities is three times that of 25- to 44-year-old drivers. It is estimated that over 1,200 lives will be saved if we raise the drinking age to 21.

The problem of drunk driving is one that affects all of us, whether we drive after drinking or not. In some parts of the United States, it is estimated that 10 percent of all drivers on the highways on weekend nights have legally impaired abilities to drive or are drunk. A study by the Allstate Insurance Co. estimates that drunk drivers cost the American taxpayers $21 to $24 billion a year for increased costs of law enforcement, higher insurance rates, and other costs.

To help reduce this inexcusable and unacceptable carnage on our highways, we need to seek a uniform drinking age of 21. I am pleased to support the amendment by the gentleman from New Jersey and the distinguished chairman of the Public Works and Transportation Committee, JIM HOWARD, which would withhold Federal aid highway funds from any State which does not establish a minimum drinking age of 21.

This bill, however, is only the beginning. We need to seek further action to eliminate drunk driving. In this regard, I have introduced the Drunk and Drugged Driving Prevention Act.

In addition to encouraging States to raise the drinking age to 21, my bill will increase the certainty and severity of punishment for those found guilty of drunk driving. Of every 200 drunk drivers on the road, at most only 1 is arrested. The probability of getting caught while driving under the influence of alcohol is slim. Furthermore, of those who are caught, few receive serious penalties.

My bill seeks to get at the source of the problem by encouraging States to enact laws against those persons selling alcohol to persons who are already legally drunk or who are minors. The drunk driver is not the only responsible individual in an alcohol-related accident—the bartender who sold the drinks or the liquor store clerk who sold the bottle bears some responsibility, and they too should be punished.

In addition my bill provides incentives to the States to modernize traffic record systems in order to improve enforcement of highway safety rules and regulations. This will help insure better prosecution of those who violate drunk driving laws.

We must protect our children and remove drunk drivers from our roads. Mr. Chairman, once again I urge my colleagues to work to enact legislation affecting drunk driving this year.●

● Mr. BIAGGI. Mr. Chairman, I rise in full support of this amendment to withhold certain amounts of Federal highway aid from those States that do not adopt a minimum drinking age of 21. Simply put, those States that refuse to raise their drinking age to 21 are ignoring a proven fact—raising the drinking age to 21 saves lives.

Consider, for example, that the Presidential Commission on Drunk Driving reported last year that raising the legal drinking age produced an average annual reduction of 28 percent in nighttime fatal crashes involving affected 18- to 21-year-old drivers. One of the studies indicated that if all remaining States raised the legal drinking age to 21, there would be 730 fewer young persons killed annually on U.S. highways. It should be noted that only 19 States currently have a minimum drinking age of 21.

In my home State of New York, the number of alcohol-related fatal traffic accidents involving 18-year-olds dropped by a dramatic 42 percent in the 12 months after New York raised its drinking age from 18 to 19 in 1982 and I am supportive of efforts to raise the age further in New York to 21. Similar positive results from raising the drinking age have also been experienced recently by such States as New Jersey, Michigan, and Maine.

If these favorable statistics are not enough to convince the States to raise their drinking age, let us remind them of the negative. For instance, of the 25,000 Americans who die each year from alcohol-related traffic accidents, 10,000, or 40 percent, are under the age of 21. In fact, alcohol-related traffic accidents are the No. 1 cause of death among persons in the 18- to 21-year-age bracket. Further, when New Jersey reduced its drinking age from 21 to 18 years in 1973, the number of drunk driving deaths in the 18- to 20-year-age range tripled within a year and the number of deaths climbed every year after, until New Jersey could no longer ignore the facts and they restored the 21-year minimum drinking age.

Mr. Chairman, thanks to increased public awareness about the drunk driving problem, largely attributable to the efforts of such responsible and hard-working groups like MADD, and New York State's stop DWI program, more and more Americans realize the obvious need for a 21-year drinking age. In fact, a Gallup poll in 1982 showed not only that 77 percent of all Americans support a uniform 21-year drinking age, but that 58 percent of 18- to 20-year-olds also favor the higher drinking age. Just last year, after thoroughly researching the drunk driving problem, the Presidential Commission on Drunk Driving called for a law to withhold Federal highway aid from those States that do not adopt a minimum drinking age of 21.

This is a tough approach to a very tough problem. It is also an approach that works, having been used in the mid-1970's to get States to adopt a 55-mile-per-hour speed limit. While I accept making Federal highway dollars contingent upon States raising their drinking age to 21 as a major step in the war against drunk driving, I believe the States require even stronger Federal direction on the issue of drunk driving. That is why I authored a bill in May 1983 that would make Federal highway dollars contingent upon setting a 21-year drinking age, as well as six other State responses to the drunk driving crisis.

For example, under my bill (H.R. 2886) Federal highway dollars would be withheld from those States that failed to:

First, adopt the 21-year drinking age;

Second, suspend the license of a first-time drunk driving offender;

Third, impose a mandatory 30-day jail sentence for anyone convicted of driving on a suspended license;

Fourth, impose a mandatory jail or community service sentence for repeat drunk driving offenders;

Fifth, conform to a 0.10 percent blood alcohol content standard for drunk drivers;

Sixth, establish a public awareness program to inform residents of improved drunk driving laws and efforts to enforce those laws; and

Seventh, establish a rehabilitation and treatment program for repeat drunk drivers.

The need for these stronger Federal directives are clear. Consider, for instance, that drunk driving kills 70 Americans a day. Although precise figures are not available, some law enforcement officials estimate that only 1 drunk driver out of 2,000 is ever arrested.

Despite these alarming figures, less than half the States suspend the license of a drunk driver upon the first conviction, and only 21 States have mandatory jail sentences for repeat drunk driving offenders. When it comes to a minimum 21-year drinking age, as well as drunk driving public awareness and rehabilitation programs, the States have been even less responsive.

Simply put, Mr. Chairman, the States are not adequately responding to the drunk driving problem despite some very convincing facts indicating what types of reforms would help to prevent the thousands of drunk driving deaths and injuries each year. By adopting this amendment today, we would be sending a very important signal to the States about just how strongly we feel about the drunk driving crisis; and more importantly, we would be saving lives.●

● Mr. GILMAN. Mr. Chairman, I rise in support of this amendment which attains the goal of establishing a uniform minimum drinking age of 21. As a cosponsor of one of the similar measures addressing the frightening reality regarding the incidence of teenage drinking and driving, I am pleased to have this opportunity to speak in favor of this amendment and urge my colleagues like support.

We are all familiar with the assignment of the Presidential Commission on Drunk Driving several years ago and of their subsequent report filed in the fall of 1983. The Commission was appointed the task of encouraging States and local governments, as well as the private sector, to implement programs to reduce the carnage on our highways caused by the excessive use of alcohol by American motorists. In response to the Commission's report and recommendations by the National Transportation Safety Board, this amendment and similar proposals have been introduced establishing a uniform minimum drinking age.

After years of needless tragedy touching so many innocent lives, the statistics have begun to speak for themselves. Approximately 5,000 persons are killed each year in alcohol-related crashes involving drivers under the age of 21, representing over 20 percent of all alcohol-related traffic fatalities. This same age group comprises only 10 percent, I want to repeat that figure, 10 percent of all licensed drivers, and only about 9 percent of the vehicle miles driven per year. These numbers add up to this chilling fact: Alcohol-related auto accidents are the leading cause of death among our Nation's teenagers. We can no longer allow these precious lives to be taken from us when the avenue to change this violent course is open and available.

Portions of my district in New York border the State of New Jersey. The minimum drinking age in New Jersey

is 21 while the legal age in New York is 19. Not 1 month passes that my district papers do not make mention of an alcohol-related accident or fatality involving teenagers, many of whom have crossed the State line to imbibe and enjoy New York's more lenient drinking laws. By establishing a uniform drinking age the allure of traveling to another State where the drinking age is lower would be eliminated, an integral step to making any State's drinking laws capable of aiding the people it is attempting to protect.

An eight-State study by the National Highway Traffic Safety Administration showed that raising the drinking age produced an average 28-percent reduction in fatal accidents involving drivers between the ages of 18 and 21 years of age. This amendment is a definitive step in the right direction toward protecting our young people at an age when the pressure to assimilate to adult lifestyles often forces them to abandon their commonsense. However, we should not place the nemesis for this problem on just the young people. Society must be an active partner in establishing and reinforcing behavioral norms throughout all of its networks and social settings, conveying the message loud and clear that to drink and drive is not only dangerous but is also illegal and that those laws will be enforced and reinforced at the Federal and State level until we have this problem eradicated. Accordingly, I urge my colleagues to join me in supporting this amendment establishing a uniform minimum drinking age.●

● Mrs. ROUKEMA. Mr. Chairman, I am pleased today to rise in support of Congressman HOWARD's amendment to the Surface Transportation Act. This amendment would withhold 5 percent of a State's highway funds in fiscal year 1985 and 10 percent of these funds in fiscal year 1986, if a State does not establish a minimum drinking age of 21.

As a cosponsor of H.R. 3870, a bill which would establish a national drinking age, I am particularly concerned about this issue because of the disparity which currently exists among the States minimum legal drinking age. The National Safety Council recently announced that a 15- to 24-year-old American's death rate is higher today than it was 20 years ago. The leading single cause of death for this age group is drunk driving.

It is time that we put a stop to the serious problem of drunken driving and establish a nationwide drinking age of 21. Groups such as the National Safety Council, the American Medical Association, and Mothers Against Drunk Driving (MADD) have made this concept top priority.

During the 1982 school year, I had the opportunity to meet with high school students from Northern Highlands Regional High School. They shared with me their community-wide campaign against drunk driving and expressed their concerns for the low drinking age which exists in a majority of the States. A major concern of these students was that many of their peers, while not of legal drinking age of 19 in New Jersey, were able to obtain alcoholic beverages in New York State, just minutes away where the legal drinking age was 18. Today, the disparity remains where the legal drinking age in New Jersey is 21 and in New York it is 19. Clearly, if young people in high school can see the need for change, we as responsible legislators, must respond to their valid concerns.

We must firmly commit ourselves to the premise that a uniform and higher minimum drinking age is fundamental to any serious attempt to curb the national drunk driving epidemic.●

● Mr. CLINGER. Mr. Chairman, although teenagers comprise only a small percentage of the driving population, the increasing number of alcohol-related deaths that teenaged drivers are involved in is horrifying.

During this season of proms and graduation celebrations, I feel that it is necessary and appropriate to focus attention on this problem that impacts our teenagers not only on the highways, but in our homes, schools, and workplaces. Indeed, alcohol abuse threatens the very quality of life in this country. Clearly, a bold new initiative is needed to form public policy on alcohol abuse in America. A first step toward this goal can be found in legislation introduced by my distinguished colleague and chairman of the Public Works and Transportation Committee, Mr. HOWARD. This legislation, of which I am proud to be a cosponsor, encourages States to adopt a minimum drinking age of 21 by using Federal highway funds as leverage; 5 percent of a State's annual highway apportionment for fiscal year 1986 will be withheld from States which do not adopt the age 21 drinking age requirement; 10 percent of the apportionment in fiscal year 1987 will be withheld if that State still fails to comply. Enactment of this legislation will not only reduce the number of deaths resulting from drunk driving, it will demonstrate to young people that alcohol is a potentially dangerous drug that is neither glamorous nor healthy. More important, such a policy will serve as a catalyst for all sectors of the community—families, schools, churches, media, businesses—to get involved in the development of a strategy to prevent alcoholism and alcohol-related problems. This strategy should consider the pervasive influence of advertising in our daily lives, the important role of education, and the importance of the Federal Government in guiding policy on this issue.

Mr. Chairman, it is time for the Federal Government to take some responsibility for remedying the problem of drunk driving and the larger problem of alcohol abuse; the Howard bill is a logical and reasonable start.●

Mr. LEVINE of California. Mr. Chairman, today I rise in strong support of the amendment offered by my colleague from New Jersey which encourages States which have not already done so to adopt 21 as the minimum age for the purchase and consumption of alcoholic beverages. This bill directs the Secretary of Transportation to reduce a State's apportionment for Federal aid highway funds by 5 percent beginning in 1985 and 10 percent the second year in which the minimum drinking age is less than 21.

The combination of drinking and driving is the No. 1 killer of teenagers in the United States. While there is no question that drunk driving pervades all age groups of our licensed population, for teenagers it is especially severe. Drinking and driving claims the lives of 5,000 teenagers each year. This means that 14 teenagers die each day in drunk driving accidents.

The Surgeon General has reported that overall life expectancy has improved in the United States during the past 75 years for every age group except one—15- to 24-year-olds. In fact, their life expectancy has decreased because of drinking and driving.

As if the pain and suffering were not enough, insurance companies have estimated that teenage drunk driving costs our society $6 billion per year. In States where the drinking age was raised to 21, numerous studies show a significant drop in the frequency of alcohol-related crashes and deaths involving drivers under that age. I am pleased that the State of California has consistently maintained a minimum drinking age of 21.

Drinking and driving are a lethal mix. I urge my colleagues to join me in supporting this amendment.

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

The amendment was agreed to.

□ 1520

AMENDMENTS OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. ANDERSON: Page 8, after line 3, insert the following:

"(3) Any increase in the amount of funds which any State may obligate in any fiscal year under this subsection shall be in addition to the amount of funds which all the States may obligate in such year under any obligation ceiling for Federal-aid highways and highway safety construction programs established by any law enacted before, on, or after the date of enactment of this subsection.

Page 8, line 4, strike out "(3)" and insert in lieu thereof "(4)".

Page 8, after line 6, insert the following:

(d) Notwithstanding any other provision of law, funds authorized to be appropriated to carry out subsections (b) and (j) of section 131 of the Surface Transportation Systems Act of 1982 shall not be subject to any obligation limitation.

Page 28, after line 14, insert the following:

(gg) The Secretary is authorized to carry out a highway project on a segment of the Federal-aid primary system which connects Interstate route I-75 in the vicinity of Mount Vernon, Kentucky, with Kentucky State route 80 in the vicinity of Shopville, Kentucky, for the purposes of demonstrating methods of improving highway safety and traffic flow and improving access to a national river and recreation area.

(hh) The Secretary is authorized to carry out a highway project in Pine City, Minnesota, to demonstrate methods of enhancing economic development and improving highway safety and traffic flow by construction of an interchange between a highway on the Interstate System and a county State-aid highway.

(ii) The Secretary is authorized to carry out a highway project in the city of Paso Robles, California, to construct a two-lane, east-west bridge which will span the Salinas River, a federally designated highway, and a railroad line and will be located south of the existing bridges spanning such river in such city, for the purposes of demonstrating methods of improving highway safety and traffic flow and enhancing economic development.

Page 28, line 15, strike out "(gg)" and insert in lieu thereof "(jj)".

Page 28, line 18, strike out "and (ff)" and insert in lieu thereof "(ff), (gg), (hh), and (ii)".

Page 28, line 21, strike out "(hh)" and insert in lieu thereof "(kk)".

Page 34, line 9, strike out "and".

Page 34, line 13, strike out the period and insert in lieu thereof a semicolon.

Page 34, after line 13, insert the following:

(36) to carry out subsection (gg) of this section not to exceed $6,000,000 for the fiscal year ending September 30, 1985, and $10,000,000 for the fiscal year ending September 30, 1986;

(37) to carry out subsection (hh) of this section not to exceed $2,600,000 for the fiscal year ending September 30, 1986; and

(38) to carry out subsection (ii) of this section not to exceed $4,100,000 for the fiscal year ending September 30, 1985; and

Page 34, line 14, strike out "(ii)" and insert in lieu thereof "(ll)".

Page 48, line 16, strike out "December 30, 1986," and insert in lieu thereof "June 30, 1986,".

Page 48, line 20, strike out "April 1, 1987," and insert in lieu thereof "September 30, 1986,".

Page 54, strike out line 1 and all that follows through the period on line 5 and insert in lieu thereof the following:

"(b) Notwithstanding any other provision of law, not less than one quarter of 1 percent of the funds expended under landscaping contracts under this title in any State in any fiscal year beginning after the date of the enactment of this subsection shall be used for the planting of native wildflower seeds and seedlings.

Page 58, after line 5, insert the following:

FEASIBILITY STUDY OF CONNECTING HIGHWAYS

SEC. 141. (a) The Secretary of Transportation shall carry out a study of the feasibility of constructing a new east-west highway linking the Delaware Memorial Bridge with the Atlantic City Expressway and other north-south highways in southern New Jersey. The Secretary of Transportation shall submit to Congress a report on the results of such study, along with recommendations, not later than one year after the date of enactment of this Act.

(b) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section not to exceed $200,000 for the fiscal year ending September 30, 1985.

(c) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

FACILITATION OF CONSTRUCTION OF A FOUR-LANE BRIDGE-TUNNEL COMPLEX

SEC. 142. In order to construct a four-lane bridge-tunnel complex across Hampton Roads, Virginia, as part of an Interstate route—

(1) the Secretary of Transportation is authorized and directed to consult with the Secretary of the Army to ensure that the highway project for construction of such complex is carried out in accordance with the plans of the Department of Transportation of the State of Virginia; and

(2) any project for navigation, Newport News Creek, Virginia, authorized by any Federal law is hereby modified to authorize the relocation and reconstruction by the State of Virginia of such project for navigation upon approval of plans for such relocation and reconstruction by the Secretary of the Army, acting through the Chief of Engineers.

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

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

Mr. SNYDER. Reserving the right to object, Mr. Chairman, I do not intend to object, but since there were two versions of the committee amendment and since there was some controversy about which one that got up there, I just would like to inquire if there are six pages to that document which you have ending with the words "Chief of Engineers."

The CHAIRMAN. The gentleman is correct.

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

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

There was no objection.

Mr. ANDERSON. Mr. Chairman, I offer this amendment with the full support and concurrence of the chairman and ranking minority member of the Committee on Public Works and Transportation and the ranking minority member of the Subcommittee on Surface Transportation. The amendment has been reviewed by affected Members and they strongly support the amendment.

The purpose of this amendment is to provide technical and clarifying language to the bill and to address seven important projects that have recently been brought to the committee's attention. The technical amendments would simply revise a reporting date for a study and clarify provisions for the use of additional obligational authority by a State for highway and highway safety construction programs to insure that no State would lose obligational authority as a result of the increased allotments.

The committee has been made aware of three important projects to demonstrate methods of improving highway safety and traffic flow and to meet other local concerns. The amendment also authorizes a feasibility study for a fourth project and allows a modification to accommodate a fifth project.

Mr. Chairman, the amendment provides for an authorization of $16 million for the upgrading of a two-lane primary highway in Kentucky, Route 461, as a major access highway to the South Fork River and Recreation Area. The improvements along Route 461 will reduce safety and traffic congestion problems and will also significantly upgrade the existing traffic corridor which includes Interstate 75 and Route 27.

The amendment also provides for the construction of an interchange between a highway on the Interstate System, I-35, and a county highway in an economically depressed area in the vicinity of Pine City, Minn. This project has the strong support of the Governor and the impacted municipalities. The amendment authorizes $2.6 million for the construction of the interchange.

In order to insure construction for a badly needed two-lane bridge to accommodate traffic flows across the Salinas River, the amendment provides $4.1 million for the construction of the bridge. This project will reduce the safety congestion hazards that exist among the functionally obsolete structures now serving the rapidly expanding area.

Another very important issue that the amendment addresses is the need to conduct a feasibility study of an east-west highway corridor to accommodate the increases in traffic being generated in the vicinity of Atlantic City, N.J. The provision authorizes $200,000 and directs the Secretary of Transportation to conduct a study of the feasibility of constructing a new east-west highway linking north-south highways in the area. The study will also investigate the long-range planning efforts needed to reduce the transportation crises developing in the area.

This provision would permit the Corps of Engineers to approve a proposed modification in the design and configuration of a navigation project in Newport News Creek, Va. to accommodate the construction of a four-lane highway bridge and tunnel complex across Hampton Roads, Va. This amendment does not require any additional Federal funds.

An additional provision will reiterate existing law that two projects which were authorized in the 1982 act will be outside of the State's obligation ceiling.

Finally, a perfecting change will be made on section 134 to make it conform to the committee's intent and understanding that at least one-fourth of 1 percent of the value of landscaping contracts a State enters into in a year shall be for the planting of wildflowers.

Mr. Chairman, I urge the adoption of the amendment.

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

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

Mr. SHUSTER. Mr. Chairman, we have examined this amendment; we find it noncontroversial and accept it on this side.

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

Mr. ANDERSON. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I rise in support of the amendments being offered en bloc by the gentleman from California (Mr. ANDERSON) on behalf of the Committee on Public Works and Transportation.

These provisions are totally consistent with the policy thrust and substantive content of H.R. 5504 and therefore should prove noncontroversial. It is altogether appropriate that we consider them en bloc in the interest of time.

The first relates to one important improvement in the bill, which makes it possible for certain States with a large backlog of unobligated apportionments to work through at least a significant portion of that backlog over a 3-year period. The amendment simply makes clear that the additional obligation authority provided to the States involved is in addition to that provided by an overall obligation ceiling in effect at the time.

A second provision clarifies and reaffirms the intent of the 1982 Surface Transportation Assistance Act that two demonstration projects are and should remain outside the obligation ceiling.

A third provision authorizes a project with which I am quite familiar. It involves significant upgrading of a segment of Route 461 in south-central Kentucky which is destined to become part of a principal access route to a major national river and recreation area now under development. My colleague from Kentucky (Mr. ROGERS) is to be commended for calling this particular need to the attention of the committee.

Two other provisions also are in the committee amendment, providing an interstate interchange in Minnesota sponsored by Mr. OBERSTAR, and an important bridge project in the city of Paso Robles, Calif., requested by Mr. THOMAS.

Another provision authorizes and directs the Secretary to consult with the Secretary of the Army to insure that a four-lane, bridge-tunnel complex across Hampton Roads, Va., in accordance with plans of the Virginia Department of Transportation. It also provides that any navigation project authorized by Federal law for Newport News Creek is modified to authorize the State of Virginia to relocate and reconstruct that project according to plans approved by the Secretary.

Finally, there is a purely technical amendment dealing with a date change, and a study of the feasibility of constructing a new east-west highway link connecting the Delaware Memorial Bridge with the Atlantic City Expressway and other north-south highways in southern New Jersey, incorporated at the request of Mr. HUGHES.

As I remarked, Mr. Chairman, I see no basis for objection to these provisions and urge their adoption.

I would like to say, Mr. Chairman, if I might, there are 12 amendments at the desk; I do not know how many are drifting around here in people's pockets. A couple of them are controversial. We spent 2 hours on a noncontroversial first amendment.

I take it the Members would like to get out since it does not look like we have a session tomorrow, since we got consent to file the rule on the immigration bill.

I would urge the Members on the noncontroversial ones to revise and extend so we can get out.

On the controversial matters, of course, the Members want to be heard.

Mr. ANDERSON. Mr. Chairman, I urge adoption of the amendment.

Mr. THOMAS of California. Mr. Chairman, I rise in support of the Surface Transportation Act, because it will make possible the continuing renewal of our Nation's network of highways, a system which is unparalleled in the world. I want to make sure our Federal highway system stays that way, because it is vital to our national, regional, and local commerce.

I wish to request my colleagues' support for the Public Works Committee amendment to H.R. 5504. A portion of the funds contained in the amendment would be authorized for a critically needed bridge across an interstate highway which bisects the city of Paso Robles, Calif.

The bridge would relieve dangerous traffic overloads on an existing bridge which was designed to carry 17,000 vehicles per day but already carries 20,000 vehicles per day. The slow-moving traffic created by the bridge bottleneck not only emits more automobile pollution, but it also creates safety problems for emergency vehicles trying to reach their destinations. The population of Paso Robles is expected to double within 15 years, creating even greater potential traffic tieups as the city's commercial and residential growth proceeds.

Most of Paso Robles' future growth is expected to happen in the southeast portion of the city, across Highway 101, the Salinas River and the Southern Pacific Railroad line from the city's commercial center. A bridge spanning the highway, the river, and the railroad would link this new growth area with the rest of the city, would relieve traffic overloads and create much safer driving conditions for motorists.

The city has turned to its own coffers to raise the seed money for a new bridge, but has been unable to secure county, State, or Federal agency funds to complete the project. The funds authorized under the amendment will come from the Federal Highway Administration trust fund and will result in no additional budget expense for the U.S. Government. In view of the extremely critical safety factors involved both now and in the very near future for motorists in Paso Robles, I ask my colleagues to support this project.

Mr. BATEMAN. Mr. Chairman, I rise in support of the amendment which is being offered by the committee.

This includes permission for the State of Virginia to make certain changes to a navigation project in order to allow construction of a 13.9-mile bridge tunnel complex. This bridge tunnel project is part of the Interstate 664 project which will link the north and south shores of Hampton Roads. This third crossing of Hampton Roads is essential to relieve the dangerously overcrowded conditions which exist on the two existing crossings.

This provision has no financial impact on the bill. The channel relocation has long been a part of the project design, and has already been included in the cost estimate for this project.

The amendment with respect to the I-664 project and the change in the navigation project it authorizes was offered in an abundance of caution, based upon an attorney's opinion that it was necessary. There is some doubt this view is correct, but as I said, in an abundance of caution, I offered the amendment and appreciate the com-

mittee's willingness to accept it. I would add that a similar amendment to the Water Resources Committee bill, which hopefully we will act upon on the floor, was offered at the committee level for the same purpose and reason.

I greatly appreciate the cooperation, time, and effort the Public Works Committee have expended in helping with this important project.

Mr. HUGHES. Mr. Chairman, thank you very much. I wish to commend the chairman of the House Public Works and Transportation Committee, my good friend and colleague from New Jersey, JIM HOWARD, the chairman of the Subcommittee on Surface Transportation, GLENN ANDERSON of California, as well as the ranking minority members, GENE SNYDER and BUD SHUSTER, for their outstanding efforts in developing this legislation. They are among the leading experts in the world in the field of transportation, and I know this legislation will go a long way toward solving our Nation's most pressing transportation problems.

The amendment I have offered and which was incorporated into the committee amendments, is intended to address a critical transportation problem in my district in southern New Jersey. That is, the need to study the feasibility of an east-west highway corridor to handle the tremendous amount of traffic traveling to and from the south Jersey seashore.

During the past 9 years, my district has undergone a transformation which is unparalleled in our region. With such beautiful and popular seashore resorts as exist from Cape May to Barnegat Light, tourism has always been a mainstay of our local economy. However, with the introduction of the casino gaming industry into Atlantic City in 1978, the tourism industry has literally exploded in our area. While this industry has brought thousands of new jobs and many benefits into south Jersey. It has also helped create a transportation problem which is fast reaching the crisis stage.

In 1978, when the first casino opened in Atlantic City, thre were 7 million visitors to the resort. In the 5 years since that time, nine additional casinos have opened in Atlantic City, and the number of visitors to the resort has nearly quadrupled. In fact, we had 26.4 million visitors to Atlantic City alone last year, marking the third straight year that Atlantic City was the most frequently visited resort in the entire country. Of these visitors, 14 million arrived in Atlantic City by car, and another 11 million by bus.

As staggering as those numbers are, they are only the tip of the iceberg. By 1987, at least three more casinos are scheduled to open, and the number of visitors to Atlantic City is expected to jump to 35 million per year. At the same time, the Federal Aviation Administration has just committed some $6 billion to a nationwide aviation modernization program, much of which is revolving around the FAA Technical Center in Atlantic County. This modernization program is stimulating a major high technology industry in our area, and increasing the pressure even more on our local highways. On top of that, there will be some 75,000 people employed in casino-related jobs who will be traveling to and from Atlantic City to work.

That is, if they can figure out a way to get to Atlantic City. Our highway system in South Jersey, which has been sadly neglected by the State over the years, is totally inadequate for handling this volume of traffic. In fact, for visitors arriving from the south via the Delaware Memorial Bridge, there is nothing but two-lane highways available to take them directly east to Atlantic City. The traffic congestion is already unbearable, and with the visitation rate increasing by some 15 percent per year, we are fast approaching the saturation point on our local highways.

This problem is not limited to Atlantic City, by any means. I make my home in Ocean City, which is located in Cape May County. On summer weekends, in particular, it is not uncommon for traffic to back up for several hours waiting to cross the bridges into the Wildwoods and other Cape May County resorts.

In Salem and Cumberland Counties, the problems are equally serious. With traffic pouring off the Delaware Memorial Bridge onto Routes 40 and 49 around the clock, small communities like Woodstown, Elmer, and Buena are being swamped with cars and buses. This constant traffic congestion is polluting the air, destroying the tranquillity of this basically rural area, and disrupting the lives of the thousands of people who make South Jersey their home. In many areas, our local highways are beginning to resemble gigantic parking lots, as traffic backs up mile after mile.

When casino gaming was introduced into Atlantic City, no one in their wildest imagination anticipated the type of growth which has occurred in our region. That is precisely why I have introduced this amendment to the Surface Transportation Act. My amendment would direct the Secretary of Transportation to conduct a study of the feasibility of constructing a new east-west highway linking the Delaware Memorial Bridge with the Atlantic City Expressway, Route 55, the Garden State Parkway, and other north-south highways in southern New Jersey.

I emphasize that this is only a feasibility study, which would in no way commit us to the construction of such a superhighway. It would merely get us started on a long-range planning effort which is desperately needed to head off the transportation crisis which we face in south Jersey in the years ahead. My own view is that this highway could be operated and maintained on a self-supporting basis as a toll road, similar to the Atlantic City Expressway. With that in mind, I believe the commitment of up to $200,000 under this amendment would be a very modest investment to help resolve a transportation problem that is clearly unique in this country.

I would urge my colleagues to please support this amendment. Thank you.

● Mr. ROGERS. Mr. Chairman, I rise today in strong support of the amendment offered by the distinguished chairman of the subcommittee.

I would like to begin by commending the chairman of the subcommittee, the ranking minority member of the subcommittee, my good friend and distinguished colleague from Kentucky, and the distinguished chairman of the full committee for their leadership in bringing this bill to the floor. And in particular I would like to commend them for their hard work in crafting this bill to help meet America's transportation needs.

This amendment provides funding for a demonstration project in Kentucky. This project is vitally important to me and to my district and I would like to tell you something about it.

As you may know, my district is one of the poorest in the Nation—as a matter of fact, we are rated fourth poorest in the entire country. But one of the hallmarks of my district is folks' determination to help themselves. The amendment before us today will give these people a fighting chance to do just that—it will help them to help themselves.

In recent years, the Congress has seen fit to support the development of a major recreational area in this region, called the Big South Fork River and Recreation Area. Upon its completion, this recreation area will provide one of the most breathtakingly beautiful recreational areas you could imagine, offering a wide range of vacation opportunities.

But the thrill of Big South Fork extends far beyond the scenery, beautiful as it is. For me, the most important aspect of Big South Fork is its potential to provide the foundation for a major tourism industry in this region. It has been estimated that by the year 1987, it will bring $42.7 million in tourism dollars into the region—and that this will grow to $93.8 million by 1992. This will translate into restaurant, gas station, and retail shop business. And most importantly, it is expected to generate 1,761 new jobs by 1987 and 3,876 new jobs by 1992. For a region currently suffering with approximate-

ly 15 percent unemployment, these jobs are desperately needed.

Unfortunately, it will take more than beautiful scenery to bring these tourists to Big South Fork. It will take roads. And the road system, including the key route along Highway 461, which it is estimated will have to carry about 40 percent of the traffic is in seriously inadequate condition.

As a matter of fact, this 15-mile section of Highway 461 ranks in the lowest 20 percent of all minor arterial roads in Kentucky, as a result of its narrow 20-foot pavement, its steep hills and dangerous curves. Between 1980 and 1982 alone, there were 75 accidents along this stretch of road. The State troopers tell me that for every segment of this highway, they can tell about an accident that took place there. It is not for nothing that this road has come to be called Death Alley among some of the local residents.

And with the estimates that traffic along this road will increase from the current 2,480 vehicles per day to 5,500 vehicles per day once Big South Fork is developed, it is clear that the hazards of this road will only increase.

This recreation area offers this region a solitary opportunity for development—without it, I will tell you frankly, I do not know which way they will even be able to turn for development prospects. But after all the resources, governmental and private, which have been poured into this project, this project will have little hope of reaching its maximum success unless we improve Highway 461.

The State is aware of this need. They have committed $11 million out of State funds, along with $6 million out of their share of Federal primary dollars. The bill today will match that contribution, providing another $16 million. This funding will permit the reconstruction of this 15-mile segment of Highway 461, from the Kentucky 80 connector to the town of Wabd. It will provide for the improvement of the curves and the steep hills, widen the pavement, and provide shoulders for safety. This Federal contribution is relatively modest in the scheme of things—but it will yield returns far surpassing what we allocate today.

This project will offer McCreary, Wayne, and Pulaski Counties, along with other communities in the Big South Fork region, the hope of economic development. And the benefits will extend further afield, to Casey County, where we have businesses with a crying need for better transportation and to many of the communities around Lake Cumberland, whose tourism business would similarly be enhanced by improved transportation.

In each of these cases, the reconstruction of Highway 461 will offer the hope of economic development. It will offer the hope that our sons and daughters will not have to leave the area in search of work. It will offer the hope of a future free from Government handouts—if we only give these proud people a chance to help themselves.

I urge the adoption of this amendment.●

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. ANDERSON).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WYLIE

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

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 28, after line 14, insert the following:

(gg) The Secretary is authorized to carry out a highway project to reconstruct portions of two highways on the Federal-aid urban system in the corridor of an Interstate route which connects Columbus, Ohio, with its airport for the purposes of demonstrating methods of relieving traffic congestion and enhancing economic development.

Page 28, line 15, strike out "(gg)" and insert in lieu thereof "(hh)".

Page 28, line 18, strike out "and (ff)" and insert in lieu thereof "(ff), and (gg)".

Page 28, line 21, strike out "(hh)" and insert in lieu thereof "(ii)".

Page 34, line 9, strike out "and".

Page 34, line 13, strike out the period and insert in lieu thereof "; and ".

Page 34, after line 13, insert the following:

(36) to carry out subsection (gg) of this section not to exceed $600,000 for the fiscal year ending September 30, 1985.

Page 34, line 14, strike out "(ii)" and insert in lieu thereof "(jj)".

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

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

There was no objection.

Mr. WYLIE. Mr. Chairman, I have discussed this amendment with Chairman JIM HOWARD, Mr. SNYDER, the ranking Republican on the Committee on Public Works and Transportation, with Chairman GLENN ANDERSON and the ranking Republican on the subcommittee, Mr. SHUSTER. All these gentlemen have said they have no objection to the amendment.

What this amendment would do is provide $600,000 for startup money to reconstruct portions of two highways in the I-670 corridor, to relieve traffic congestion, and enhance economic growth in the area by providing access to an area of the city that badly needs traffic management for building improvements.

Mr. Warren Tyler, director of commerce for Ohio, has contacted me on behalf of Governor Celeste about this amendment. Mayor Rinehart's office has been in touch with my office. Mr. John Fisher has contacted me, speaking for the Columbus Area Chamber of Commerce as to the importance of this amendment to the city of Columbus.

I believe the amendment to be noncontroversial and urge its adoption.

Mr. ANDERSON. Mr. Chairman, if the gentleman will yield, the committee is prepared to accept the Wylie amendment on this side.

Mr. SHUSTER. Mr. Chairman, if the gentlemen will yield. We have examined this amendment, we have no problem with it, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATKINS

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

The Clerk read as follows:

Amendment offered by Mr. WATKINS: Page 58, after line 5, insert the following:

HIGHWAY DESIGNATION

SEC. 141. The portion of Oklahoma State route 99 between United States route 70 and Interstate route I-44 which portion is on the Federal-aid primary system shall hereafter be designated as "United States Highway 377". Any reference in a law, map, regulation, document, record of other paper of the United States to such highway shall be held to be a reference to "United States Highway 377".

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

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

There was no objection.

Mr. WATKINS. Mr. Chairman, I have discussed my amendment with the majority and minority leadership of the committee and I think they have no objection. I will not delay the action of the House by discussing it any further unless they would like me to.

Mr. ANDERSON. The committee will accept this amendment.

Mr. SHUSTER. We have examined this and accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. WATKINS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SHAW

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

The Clerk read as follows:

Amendment offered by Mr. SHAW: Page 10, line 2, after "108." insert "(a)".

Page 10, after line 13, insert the following:

(b) Section 131(g) of title 23, United States Code, is amended by inserting after "75 per centum" the following: "or such lesser percentage as may be agreed upon by the Secretary and the State".

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

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

There was no objection.

Mr. SHAW. Mr. Chairman, briefly stated, this particular amendment would allow the various states to come up with the full funding for the removal of billboards should it desire to do so. The present law provides that the Federal Government would be required to pay for 75 percent which can be implied as a prohibition from the States going ahead on their own should they desire.

I believe both sides have examined this.

Mr. ANDERSON. We have examined this amendment, we are willing to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SHAW).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. M'NULTY

Mr. McNULTY. I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. McNULTY: Page 40, strike out line 8 and all that follows through line 2 on page 41.

Redesignate the subsequent sections of title I accordingly.

Mr. FRANK. Mr. Chairman, will the gentleman from Arizona yield?

Mr. McNULTY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I wonder if the chairman of the full Committee would be available for a brief colloquy with me. I appreciate the gentleman from Arizona yielding.

If I may, I would like a brief colloquy with the chairman of the full Committee.

Some controversy has arisen in my own State and I believe in some others involving the question of exactly how much work has to be done in terms of some of these reconstruction projects. In particular, under the 3R program, and I appreciate the gentleman making the committee staff available to discuss this with me; I want to reaffirm something made clear in the Senate recently when they took this bill up, namely that under the 3R program there is no need for full design standards, that under the 3R program, while there has to be some safety enhancement, there does not have to be the full design standards because we have encountered some problems where there has been some Federal insistence on going beyond what the State and local people felt was necessary, what would be required for safety under 3R.

And we were hoping we could reaffirm that full design standards would not be necessary in the 3R program.

Mr. HOWARD. Mr. Chairman, I agree with the gentleman's interpretation of this provision.

Mr. FRANK. If the gentleman from Arizona will yield for one further question.

Mr. McNULTY. I yield to the gentleman from Massachusetts.

Mr. FRANK. On a separate matter, but related in the sense of excessive work on construction beyond what might be needed, I realize with regard to new bridges or the substantial reconstruction of an existing bridge, there has to be full safety standards.

But am I correct that if the State should decide in looking at a new bridge construction or a bridge reconstruction project that the AASHTO standards are being abided by, that there should not be any problem with the Federal Government trying to force something over and beyond that?

□ 1530

That if the State in its judgment is applying these standards into a new bridge project, that the State's judgment would be allowed in that case to stand, if they were in accordance with the standards of the AASHTO.

Mr. HOWARD. Yes, I would respond to the gentleman that a new bridge facility must meet current geometric and construction standards adopted by the American Association of State Highway and Transportation Officials which are required for the types and volumes of traffic which facility will carry.

Mr. FRANK. And if the State were doing that, they would not be forced to do beyond that.

Mr. HOWARD. The gentleman is correct.

Mr. FRANK. I thank the gentleman.

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

Mr. McNULTY. I yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for yielding.

Mr. Chairman, not having seen the colloquy or having studied the matter that the gentleman from Massachusetts raised, we are not prepared to join in the colloquy.

Mr. McNULTY. Mr. Chairman, I ask unanimous consent that the 5 minutes that I had sought some 5 minutes ago commence at this moment forward.

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

There was no objection.

Mr. McNULTY. Mr. Chairman, my colleagues heard remarks earlier today about the 1982 Surface Transportation Act. In that act the predecessor Congress directed the Secretary of Transportation to make two studies, one of which would be to determine the most equitable and efficient method of apportioning funds for the interstate 4R fund. The Secretary and the Federal Highway Administration did precisely that and filed in December 1983 this report in which that subject was treated.

With my time I have got to compress it. So I will simply tell my colleagues that on page i 18 the report states this:

The current formula correlates strongly with the three criteria for road repair. Therefore, no compelling case can be made for changing the formula at this time.

Later in the same report, discussing the subject of lane-miles the report said:

Nearly all comments to the docket recommended that lane-miles be retained to constitute at least part of the basis for apportioning 4R funds.

So what has been the reaction of H.R. 5044 to those two recommendations, it has been to cast them aside and to say that lane miles should play no part in determining the number of dollars you get to keep up your Interstate Highway System.

Now, I want to be candid with all about this. We have done a study of the so-called winners and losers. I have that here and I can tell the Members that the numbers of Members that are from the winners totals 332, and the numbers of Members from the losers totals 103. That is a clear example of might, but it does not make right.

I think it ought to be said that any formula that suggests the quantity of what you are charged with keeping in shape is not to be considered in deciding the number of dollars to which you are entitled is fundamentally flawed.

Now we have already seen once in the last 10 years this formula changed away from the number of lane-miles as a consideration in deciding what piece of that $2.7 billion 4R pot you would get as your share. But the fact is it has been reduced once to 55 percent and the plain implication of this bill is that it does not make any difference how many miles you have.

You have all driven through the Western States which are the primarily disadvantaged group of States in this measure. Have you noticed that the interstate highways of Wyoming and Utah and Arizona and Nevada are significantly in better shape than the interstate highways of Pennsylvania, which stands to be a winner to the tune of $24 million? I am sure you have not. You have heard that trucks cause more damage than cars. But why should the State of California get $41 million more for its interstate fund and the State of Arizona get $19 million less?

That is not the way to repair a wrong, if indeed there be a wrong.

This formula ought not to be adopted.

A last saving ungrace of this whole measure is that the one-half percent minimum alternative that we guaran-

teed every State is being done away with. In other words, if you are small enough not to count at all that is what you will get, nothing at all.

This, too, is despite the fact that the Federal Highway Administration in its report said the number of dollars that would be generated for the big States is undetectable, but it does enourmous damage to the small places.

So please go back to the formula that has served us well and accurately and justly and vote for this amendment.

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

Mr. Chairman, I must reluctantly oppose the gentleman's amendment. I am reluctant because I know how hard he fights on behalf of the people, and the State, of Arizona. But I oppose him nonetheless because I believe it is essential to the basic fairness of the Nation's highway programs that Federal aid funds in each of the categories be apportioned by utilizing criteria that best reflect program needs.

The needs of the 4R program relate to use of the interstate system and the damage that accrues from that use. A State could have 1,000 miles of interstate mileage, but if it is not used, it is not likely to deteriorate quickly. Such a State, though, is being rewarded by the current formula.

The formula in this bill, which the gentleman's amendment would delete, will introduce gasoline and diesel consumption as a more reliable indicator along with vehicle miles traveled, of 4R needs. As we have an increasing number of heavier trucks using the interstate, more damage will be done to those routes. Diesel consumption is a good indicator of truck use on the system.

The formula in H.R. 5504 relates to interstate use, and thus interstate damage. Interstate damage correlates to 4R need. It meets the test as the fairest available formula. I urge its defeat.

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

Mr. Chairman, I must rise to seriously object to the provision contained in the bill and in support of the amendment offered by my distinguished colleague and good friend, the Member from Arizona, who spoke, I think, accurately of the circumstance and through whose amendment the remedy that I seek to support can be effected by my colleagues today.

The provision in the bill deals with the allocation formula with respect to what we call 4R funds. The 4R funds are distributed to States for the repair and reconstruction of the Interstate Highway System.

The current allocation formula for distribution of the funds is based on 55 percent on that amount of interstate in each State and 45 percent on the amount of relative use of the interstate, subject to a one-half percent minimum allocation to each State. The amount allocated for highway miles was recently reduced in 1980, I wish to remind my colleagues, from 75 percent to the current 55 percent.

This legislation would eliminate entirely the distance factor and base the entire allocation on use. This would make a mockery, in my opinion, of the idea of an interstate system since funds would be made available simply on the basis of use with a punitive effect on smaller and less populated States.

It is fairly clear how the vote on this would line up. There are about 11 Members whose States would lose and 325 Members of this body whose States would gain. Pure power politics would result in highway funds being diverted from some States to other States.

But before that is attempted I would like to remind the Members who would profit from this of some other very important factors.

□ 1540

First, you are not simply providing more money for your State; you are taking it away from other States. Particularly for those States who are interested in mass transit, I fail to see the point of punishing your colleagues in other States who have supported mass transit in the past.

Second, in the other body it has been made clear in the last 24 hours that any change at all in the 4R program will result in the filibuster of this legislation and, therefore, I am sorry to say, a delay in this very important legislation, which I, by and large, do support, and I want to take this particular time to commend the ranking members of the full committee, of our subcommittees, and the minority leadership, as well.

Now, as I have said during the committee markup of this legislation, if there is a need for more funds for the more highly populated States, then let us take a look at that. But to exercise this kind of power to take away from the less populated States their historic allocation of funds is an unsuitable and, in my opinion, a very counterproductive effort.

The interstate system is a national undertaking. This change in the 4R program undermines that undertaking and could lead to a lack of cooperation between our larger friends and our smaller friends in this body on other matters. Let us avoid that. I urge the House to reconsider this action now, to adopt the gentleman's amendment that is before us, to accept that position now or at least, may I remind you, let us be able to accept this position advanced by the gentleman from Arizona in conference, not only for the sake of those of us who are from the less settled, least populated States, the smaller States, who have lots of lane miles to be concerned about, but for the sake of those of us who depend upon the cooperation of the larger States in other matters as well.

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

Mr. Chairman, first of all, we should emphasize that the 4R formula only deals with the reconstruction and resurfacing of the Interstate System. We are not talking about construction here. We are not talking about the other parts of the Federal aid highway system. We are only talking about the 4R formula; the resurfacing, reconstruction, and general repair, effectively, for the Interstate System.

And we are most certainly not coming to this floor simply on a matter of counting votes and attempting to apply power politics, as my good friend says. Rather, the genius of our highway system over the years has been that the funding has been based on need—based on need. And we have had testimony provided us from both the National Governors Association and from the American Association of State Highway and Transportation officials, which indicated that funding for the Federal aid highway system should be based on use—and I emphasize that word—on use. That is all this formula change does. This formula change says that we can improve the formula and be more responsive to the true needs if we define those needs based on use. And so instead of defining, as the old formula does, on the number of miles that are out there, lane miles, the new formula defines the funding in relation to the use, 50-percent vehicle miles traveled, 25-percent gas consumption and, very importantly, 25-percent diesel consumption. And this is aimed at providing funds for repair and rehabilitation in relation to heavy truck use.

The best way to measure heavy truck use is by relating it to diesel fuel consumption. That is not perfect, but at least it is a start in the right direction. And so by focusing on diesel fuel use we relate it to heavy truck use and thereby make this a fairer formula.

But I would go beyond that, Mr. Chairman, and say how regrettable it is to hear some of our colleagues from some of the smaller States saying this is just power politics, because 325 Members stand to gain. If we were going to come to the floor simply based on the number of votes we could get from the States involved, then we would be here on the floor proposing to eliminate the one-half of 1 percent interstate construction funding, which is guaranteed to every State regardless of whether or not the interstate construction has been completed.

I might say that I, from Pennsylvania, support the one-half of 1 percent for interstate construction, even though it does not help my State. But why do I support it? Because I think it can be justified and because the need is there.

So I think it is a bum rap to suggest that we come to this floor only with language and with legislation that is going to help our particular States. We are attempting to craft legislation based on national need. And very significantly, Mr. Chairman, I would like to call the committee's attention to the fact that the guarantee, the continued guarantee of one-half of 1 percent on interstate construction, even though interstate construction may have all been completed in a particular State, means that the very States who are complaining about this formula change are States who get windfalls, in many cases, as a result of the one-half of 1 percent.

And let me be specific. For example, Nevada received $21 million under the old interstate 4R formula in 1984. In 1985 it will receive under this new formula $14 million. So in other words one could say Nevada loses $7 million. But—and this is the big but—let us go on and look at what Nevada receives under the interstate construction program. It is a one-half of 1 percent minimum apportionment and, therefore, Nevada receives $18 million a year.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 3 additional minutes.)

Mr. SHUSTER. And, therefore, Nevada will receive $18 million a year even though—and get this—even though Nevada's interstate system has been completed, it will, nevertheless, receive $18 million a year under the guarantee of one-half of 1 percent.

Therefore, while Nevada loses $7 million under the formula change, Nevada gains an $18 million windfall under the one-half of 1 percent. And I am further advised by staff that of the 17 States that are so-called losers under the formula change, 11 of those States are States which receive the one-half of 1 percent interstate construction funds, even though those 11 States have actually already completed their interstate construction. So there is a windfall.

So if my friends from the smaller States want to pursue this formula change, then perhaps we should also pursue, in the interest of fairness and equity, eliminating the one-half of 1 percent in construction. We have not proposed this in this bill as we brought it to the floor, but it would certainly seem to me that it is something we might want to consider if indeed my friends from the smaller States want to pursue this formula change.

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

Mr. SHUSTER. I would be happy to yield to my friend, the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding. I wish to agree with him. I think the issue on this is fairness. If we are going to talk about every State getting all of its money back, my own State of New Jersey, a State which sends a tremendous amount of money into the highway trust fund, does not get nearly as much money under the interstate program as some of the larger States that have very few people in them and send a small amount of money to Washington. Why? Because our State is smaller. We do not need the miles of interstate that a Montana or a Minnesota might need. But in fairness, to have a national program so that the people of this country will be able to be assured of adequate highway travel wherever they go in the country, we are placing the money where it ought to go. So in this area, if my State sends in more money than it gets back so some of these more rural States can get much more than they put in, it is in the best interest of all the people, and that is why we have the word "United" in United States, so that we can do the best we can for all the people. This is a fairness issue, and the fair vote is a no vote on this amendment.

□ 1550

Mr. SHUSTER. The gentleman is absolutely correct, and it is for that reason, the fairness issue, that we should indeed defeat this pernicious amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, after consulting with the gentleman from Arizona who proposed this amendment, I would ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 4:15, and I am not claiming any of the time; I will sit down.

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

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was made will each be recognized for 2½ minutes.

(By unanimous consent, Mr. SHUSTER yielded his time to Mrs. JOHNSON).

Mrs. JOHNSON. I thank the gentleman for yielding his time to me.

Mr. Chairman, I rise in opposition to the gentleman's amendment and in support of the committee's action which I believe to be commendable and responsible, and, as has been pointed out here, fair. The issue is not might versus right, but need and fairness. Small States like Connecticut with minimal miles of interstate but very heavily traveled interstate, carrying trucking from all over the United States up through to the Eastern States, has been relatively disadvantaged by the old formula.

Actual road use is by far the most accurate indicator of wear and tear on the roadbed. The formula that is being proposed as it lays primary emphasis on use but includes as well diesel and gasoline fuel consumption, is a balanced formula and one that I support. It restores logic and fairness to the formula distributing road repair and rehabilitation funding and will more appropriately provide for States like Connecticut where relatively few miles bear relatively heavy traffic and therefore deteriorates more rapidly than equal miles in other States. I ask the opposition of my colleagues to the gentleman's amendment.

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

Mrs. JOHNSON. I yield to the gentleman.

Mr. SHUSTER. I would say to my colleagues that I am absolutely stunned with the information that has just been handed to me. Arizona, the State from which the author of this amendment comes, has received $1.40 for every $1 that the people of the State of Arizona have put into the highway trust fund since the beginning of the highway trust fund. So the State of Arizona has been getting much more than its share.

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

Mrs. JOHNSON. I yield to the gentleman from Arizona.

Mr. McNULTY. Does the gentleman also know the statistics on the number of the miles of interstate highway that there are in the State of Arizona as contrasted by population?

Mr. SHUSTER. What is the gentleman's question?

Mr. McNULTY. The number of miles of interstate highway that there are within the State of Arizona; you must have that in that book, too.

Mr. SHUSTER. That is not the point I am making. The point I am making is that the State of Arizona has received $1.40 for every $1 that the citizens of Arizona have sent into the highway trust fund. So Arizona has done extremely well.

Mr. McNULTY. Is that not because it is a long way from the east border or the west border of the State?

Mr. SHUSTER. And that is the reason why we should support need rather than selfish, parochial interests.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Pennsylvania, the ranking minority member on the committee, and the full committee chairman.

I believe that a right vote here is a no vote on this amendment. Michigan has been a donor State for years into this program. We will still continue to be a donor State into the Federal highway system, but I believe there is a degree of fairness required in any of these particular programs and the formulas that distribute funds.

I want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. SHUSTER), and the full committee chairman (Mr. HOWARD).

Mr. Chairman, I rise in strong support of H.R. 5504, the Surface Transportation Act the House is considering today. This legislation makes certain improvements in the Federal highway program, particularly by changing the 4R formula. Under the new formula, funds will be distributed on a more equitable basis to insure that those States, like Michigan, with older interstate highways, will receive more money to repair them.

We must not forget that the 4R program was greatly expanded by the 1982 Surface Transportation Assistance Act to speed up the repair of the older segments of the Interstate Highway System. This change in the formula that distributes 4R funds will make the program operate more cost effectively and provide taxpayers with a bigger bang for the buck.

The bill also provides funding for other necessary highway projects around the country, including an extra $8 million to Michigan for the completion of U.S. 131 in Osceola County.

While the Surface Transportation Act should be passed, more changes are needed in the way highway and bridge funds are distributed to Michigan. Weather and unemployment factors need to be included to make these formulas fair to States like Michigan. I intend to work for these changes in the next major highway legislation that will come up in 1986 when the Surface Transportation Assistance Act expires.

I urge my colleagues to pass H.R. 5504 today and hope the Senate will also quickly approve similar legislation pending in that body to avoid any further delays in releasing interstate construction funds and other highway and bridge moneys authorized by H.R. 5504.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, I stand in support of the amendment.

There have been some interesting observations made this afternoon. Let me make one about the State of Idaho. For every dollar the State of Idaho puts into the fund, they get a $1.59 out of the fund. Is that so unique or so rare? Not at all, because I notice when I have traveled on the interstate within my State of Idaho, trucks from Pennsylvania, automobiles from Pennsylvania, trucks and automobiles from the States of Michigan and Connecticut and all over the United States. My State serves as a State through which a great deal of this Nation's commerce must travel to the east coast to the west coast. When we created the fund and the method by which we were to build the Interstate Highway System, it was not just to build an interstate highway in Pennsylvania, or just to build an interstate highway in Michigan, it was to build a uniform transportation system across this Nation. Those large Western States that have many, many miles of roads, must simply deal with that issue.

Now, Idaho's Interstate System is nearly completed. But we also recognize that in that completion, those trucks that move across our roads, those trucks that do that damage, must help pay for the repair and the maintenance of that fine interstate system. So, if we are to put the "U" back in the United States, then let us put it back in for every State in the Union; let us bring some equity to it so that we can assure that Idaho does not become a bottleneck so that the trucks of Michigan flowing through to California and Oregon and Washington simply will not be able to transport across our State.

It is an interstate system, and we ought to recognize it for its balance.

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

Mr. CRAIG. I yield to the gentleman from Nebraska.

Mr. DAUB. I do appreciate the brief moment that the gentleman yields to me to tell you that I agree with what you said; there is a salient point that is being made by my colleague. There is a unique construction problem with the length of miles driven, certainly unique. Planning and requirements for those States that have long distances to be maintained.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. KOGOVSEK).

Mr. KOGOVSEK. Mr. Chairman, I rise in support of the amendment. As a former member of the Surface Transportation Subcommittee, and one who worked on the Surface Transportation Act 2 years ago, I appreciate the work that has gone into this bill. Unfortunately however, I must oppose it on principle.

Two years ago, I fought to assure that there would be no change in the interstate 4R program. Although the battle was unsuccessful in the House, we were able to persuade the other body to maintain the formula. Now once again, this bill attempts to change the formula in a way that blatantly discriminates against States with a great deal of highway, but not that many people.

States like Colorado, huge States, have thousands of miles of interstate highway, just because of their size. To change the allocation formula and weight it primarily on the number of vehicles instead of the number of miles of highway, does not make sense. We may not have as many vehicles on the highways, but we have a lot more roadway to maintain.

As a Member of Congress, elected by the people of the State of Colorado to represent them to the best of my ability, I feel I would be doing them a disservice if I supported this bill. It would change the allocation of Federal funds and cost my State more than $12 million; almost a 25-percent reduction.

If this bill was a deficit-reducing measure, aimed to save money and the sacrifice would be felt by all States, I could in good conscience support it. However, when Colorado loses $10 million, and other States lose more than $20 million, just to provide for increases in the allocation for some other States, I cannot support it.

Some Members may seek to form a compromise formula but I disagree with that. The present formula already takes into account vehicle miles traveled and is a fair balance. We should leave the formula the way it is and I urge my colleagues, in the name of fairness, a basic democratic principle, to reject this bill and any compromise that will sell their States short. To acquiesce would be to send a message to the other body that should not be sent. The current formula is fair and it should be retained.

□ 1600

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. NIELSON).

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arizona (Mr. MCNULTY).

Mr. NIELSON of Utah. Mr. Chairman, there are several statements by the gentleman from Pennsylvania that I would like to address these comments to.

The gentleman mentioned there are 11 States which lose. According to my count from the Federal Highway Administration, 28 States lose.

The second thing the gentleman said, Nevada would lose some $7 million. They would, in fact, lose $10.9 million. We have Montana losing $29.2 million, two-thirds of their present amount. We have Utah losing 70 per-

cent. We have Arizona losing about 55 percent. It is devastating to those small States.

Let me indicate that in addition to what has been said already, these big States, big in area, do provide a lot of recreation, millions of acres of wilderness and national parks for all the country to enjoy, so we are not just taking in this area. We want to provide the highways so people can come and enjoy those particular things, the beauties that we have.

Another thing that should be said is that we have weather conditions in the West, in New England, and elsewhere, which make it very difficult to keep the roads in good condition during the year, with all the ice and snow, floods, and so forth, and we do need to have those highways. Even if there were no traffic at all, we would still have a tremendous bill to keep the highways, and I think that should be taken into account. Lane-miles definitely should stay in the formula.

The CHAIRMAN. The Chair recognizes the gentleman from Nevada, Mr. REID.

Mr. UDALL. Mr. Chairman, will the gentleman yield to me?

Mr. REID. Yes; I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I rise in strong support of this amendment.

I shall fight for this amendment regardless of the fact that my State will gain $19 million, regardless of how many votes this may cost me.

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

Mr. REID. I yield to the gentleman from West Virginia.

Mr. WISE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman from Arizona's amendment (Mr. MCNULTY).

I am very concerned about the change this legislation makes in the way interstate highway repair funds are allocated to the various States. The program, known as "4R," will provide States with $2.8 billion in Federal funds in fiscal year 1986.

It is clear to me that the supporters of this change in formula have never been to my State, West Virginia. The change in formula is inequitable to about 30 different States—those areas that are less populated, but have vast stretches of highway requiring general maintenance.

In West Virginia, we have many mountains. We also have approximately 35,000 miles of roads (525 miles of interstate). The variables used in this revised formula are not helpful in relationship to my State. Besides having very little flatland, we have a harsh climate (freezing, thawing), difficult soil to build upon, and a good bit of sliding earth. These facts make building any sort of large highway very difficult.

In addition, the Department of Transportation concluded in their December 1983 study that any dramatic improvement over the current formula (the one we have used up till now) "is not likely to be achieved." They also concluded that "in short, no compelling case could be made for endorsing any specific change in the current formula at this time."

In light of this study, there seems to be no logical reason to alter the 4R formula so radically.

Mr. Chairman, my State stands to lose $2.5 million of their expected $20.9 million. I urge my colleagues to oppose this 11th hour reshuffling of vital funds.

Mr. REID. Mr. Chairman, I would first probably ask to thank my colleague, the gentleman from Pennsylvania, for all the nice things that are happening to Nevada. It reminds me of the story of the man wishing to thank his friend who broke only one of his arms.

Mr. Chairman, I stand before this body to express serious reservation and concern about section 121 of the Surface Transportation and Uniform Relocation Assistance Act of 1984. This section, which changes the interstate 4R formula for apportioning funds, is unfair and inequitable to the sparsely populated States of the West. Discounting lane miles for usage based figures does not give proportionate consideration to the vast stretches of highway in our western States which need resurfacing, restoration, rehabilitation, and reconstruction.

The recent study, entitled "Climate Apportionment and Interstate 4R Apportionment," from the Secretary of Transportation and prepared by the Federal Highway Administration for the Congress, reflected equal concern. While investigating the equity of the current formula, the study concluded that in respect to the three major criteria of need, national benefit, and national defense, the existing formula correlates strongly with the criteria and has a direct conceptual link to the Interstate System. The study also concluded that no compelling case can be made for changing the formula at this time.

The report further indicated the historical reservations the Federal Highway Administration has had about using data on motor fuel, diesel fuel or trust fund contributions in apportionment for a system-based program. Federal taxes on gasoline are collected at the point of first sale; diesel taxes are levied at the retail level; truck taxes are levied at the point of manufacture; and use taxes at the point of registration. None of these points of taxation are directly related to the relative use of the Interstate System among jurisdictions.

Although climate is a factor in construction, due to limited data available, no effects of climate could be identified on pavement performance. Therefore, no supportable argument can be established for climate in the apportionment formula of the interstate 4R program.

My own State of Nevada would, under the new formula, be hurt drastically. Approximately 90 percent of the heavy trucks that use Nevada Interstate Highways neither originate nor do they have a destination in Nevada. In essence, Nevada is a long bridge in commercial interstate transportation. The new formula would call for an estimated 60 percent loss of funds and practically destroy the State's ability to maintain its portion of the National System of Interstate and Defense Highways.

In closing, I would urge my colleagues not to support this provision of H.R. 5504 which changes the 4R formula. Thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Delaware (Mr. CARPER).

Mr. CARPER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona (Mr. MCNULTY) because it is a fair and equitable 4R formula.

Under the formula proposed by the Public Works and Transportation Committee, small States are unduly penalized. My own State of Delaware will lose 60 percent of its 4R funding if the committees recommendation is not altered.

4R funding is essential to the economic development of Delaware and its neighboring States. Because Delaware is a corridor State, like many of yours, interstate commerce relies heavily on the quality of our roads. Unfortunately, however, out-of-State trucks and cars provide little tax revenue to the State for highway maintenance and upkeep. Funds from the 4R program have allowed Delaware to make the necessary capital improvements in our highway system. Maintaining the existing formula will adequately compensate for the disproportionate use of Delaware highways by vehicles in transit elsewhere.

Without this amendment, in the years to come Delaware will lose the ability to maintain the high standards of road quality that we have worked hard to establish, imposing economic hardship on Delaware businesses and unnecessary safety hazards to the public at large.

The continuation of the existing formula with the one-half percent minimum provided for by the McNulty amendment will allow small States like mine to continue the important work of highway improvement, and save the jobs of thousands of constituents employed in the highway construction industry in States like my own. It will also assist some of the larger States

which stand to lose some of their funding under the committee's recommendation. I simply do not believe that a 4R formula that reduces funding for 28 States when the size of the program is increasing is our best alternative.

Mr. Chairman, the Federal role in highway construction and repair should be to even out the financial inequities in the Interstate Highway System. Simple fairness should dictate that those States which are conduits for heavy interstate commerce, but receive none of the direct benefits from the economic activity they facilitate, should be adequately compensated for the costs of maintaining their transportation infrastructure, particularly when those costs are imposed by unreciprocated use.

I call on my House colleagues today to vote in favor of this amendment and preserve an equitable balance in the 4R program.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) desire to use his time now?

Mr. SHUSTER. I thought I yielded my time to the gentlewoman from Connecticut (Mrs. JOHNSON) Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. SLATTERY).

Mr. SLATTERY. Mr. Chairman, I would first like to commend my colleague, the gentleman from Arizona, for his leadership in this issue. I think that the amendment he is talking about is an excellent one.

I will be the first to admit that perhaps some modification in the existing formula is warranted, but I would also point out that total elimination of the distance factor that we are talking about here today is, in my judgment, totally unacceptable and unfair. As we make this decision, I would urge my colleagues to again take into consideration some of the findings of the U.S. Department of Transportation study that was conducted in December 1983. Let me just briefly review some of those basic findings.

First of all, the Department of Transportation concluded that dramatic improvement over the current formula is not likely to be achieved.

Second, they concluded that no compelling case would be made for endorsing any specific change in the current formula at this time.

My last point is that the study indicated that at least one use factor, and that was the diesel fuel consumption factor, is a potentially inadequate measure for several reasons, but the principal reason is that the statewide fuel consumption does not necessarily reflect the total use of the interstate in that particular State. Often diesel fuel bought in one State is consumed in another State.

In conclusion, Mr. Chairman, I want to point out that the distance factor in the 4R formula is an explicit recognition that certain States have vast stretches of interstate highways that must be maintained for purposes of interstate commerce and for defense. Western States desperately need this distance factor to be included in the formula.

Again, I urge my colleagues to support the amendment offered by the gentleman from Arizona (Mr. MCNULTY). Perhaps some modification is needed, but total elimination of this distance factor, in my judgment, is unwarranted. It is totally unacceptable at this time, and it is unfair.

I urge my colleagues to support the amendment offered by the gentleman from Arizona (Mr. MCNULTY).

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

Mr. SLATTERY. I am happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment. I share the concerns of my distinguished colleague from Arizona (Mr. MCNULTY) with proposed changes in the current method for allocating interstate highway repair funds.

The current allocation formula takes into account not only how often an Interstate System is used, but equally important how much interstate highway each State is responsible for maintaining. The provision in the Surface Transporation Act of 1984, which eliminates completely consideration of the number of miles a State must maintain undermines efforts to protect the national investment in our infrastructure. An allocation formula based on vehicle miles traveled and the usage of gasoline and diesel fuel is unfair to rural States and serves to threaten economic growth.

The proposed formula change is unfair to those States, like West Virginia, that are less populated but have vast stretches of highway requiring general maintenance. In the Second Congressional District, we embody the diverse geographical characteristic that West Virginia is famous for. The construction of highways is difficult and costly. The investment made to construct these roadways must be protected and that can only be done with sufficient funding for resurfacing, restoration, rehabilitation, and reconstruction. These are the essential factors in the current 4R formula and any new formula must not be allowed to undermine the ability of States to maintain their interstates.

The more than 35,000 miles of roads in West Virginia, including 525 miles of interstate, is essential for economic development. These roads assure that West Virginia coal is delivered; that farmers and fruit producers can get their products to market; and these vital links assure that our State's fastest growing industry, tourism, will continue to expand. West Virginia continues to lead the Nation in unemployment and our infrastructure, particularly our Interstate Highway Systems, provide an essential ingredient needed for economic growth.

The Department of Transportation has said that "no compelling case could be made for endorsing any specific change in the current formula at this time." I would argue that there are compelling reasons for not altering the current formula.

Therefore, I urge my colleagues to join me in supporting the McNulty amendment to H.R. 5504. In this way, we can demonstrate our commitment to protecting our Interstate Systems without placing an undue burden on rural States. A highway repair formula in line with the needs of all States is good for America. Thank you.

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

Mr. SLATTERY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the McNulty amendment to restore the current formula for the apportionment of interstate resurfacing, restoration, rehabilitation, and reconstruction funds.

I do not understand the justification for eliminating from the current formula the distance factor, particularly when U.S. Department of Transportation has certified that the distance factor passes all the necessary tests for a formula. That same transportation study also concluded that "dramatic improvement over the current formula is not likely to be achieved," and "no compelling case could be made for endorsing any specific change in the current formula at this time."

The West Virginia highway commissioner, Charles L. Miller, indicated to me several weeks ago that the bill's new formula could cost West Virginia over $2.5 million in fiscal year 1986. That is not, Mr. Chairman, an inconsequential loss to my State.

I urge my colleagues to vote "aye" on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Chairman, there has been considerable discussion today about unfairness, and some have referred to a bum rap. I know of no one who does not want to see equity established in the allocation of highway dollars, but let me talk to my colleagues a minute about a bum rap and unfairness for my State of Montana.

If this amendment passes, without notice my State is going to lose 66 percent of the dollars that it now receives. There cannot be anybody on this floor who really thinks that is not a bum rap for one State in this Nation.

□ 1610

I understand that some States get $1.49 back and some States get $1.79 back.

You know what it is called? It is called federalism.

You see some children in this country with certain needs have more Federal money put on them than other children who do not have those needs. It is called federalism. It is what made this Union strong.

The people in Montana have to worry that black lung victims in Kentucky get health care, and they are willing to pay into the pot and see more of that money goes to Kentucky than comes to Montana. And people in New Jersey should worry that my 1,100 miles of interstate, with a population of only 800,000, be maintained and those people in New Jersey ought to continue in the American tradition of federalism by sending us $1.50 or $1.60 for the $1 that we send in, because it is federalism. And I am all for it and I thought this House was for it, and I thought it was what made this Union strong.

This formula, this formula affects a lot more, my friends, than the highway interstate program. This formula goes at the heart of federalism in this country and is what makes this Nation strong.

Mr. BEREUTER. Will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, the gentleman is exactly right. I support the McNulty amendment and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I rise today in support of the McNulty amendment and in opposition to the proposed change in the allocation formula for the distribution of funds for the interstate 4R program. This change is not only grossly unfair to less densely populated States with long distances of interstate highways to maintain, it is also illogical.

In a Department of Transportation study released in December of 1983, the Federal Highway Administration concluded that no "dramatic improvement over the current formula is likely to be achieved" and that "no compelling case could be made for endorsing any specific change in the current formula at this time."

The distance factor—lane-miles—is the best indicator of potential highway repair. If the distance factor is replaced entirely with usage factors such as gas or diesel consumption, the DOT will have a far more difficult time in allocating interstate 4R funds to those highways that need it the most.

The DOT study indicated that one use factor—diesel fuel consumption—is potentially inadequate in that it is difficult to accurately determine State consumption statistics because States use different methods of recordkeeping. Taxing for diesel takes place at the retail level, where it is harder to prevent tax evasion. Substitution of home heating oil to avoid taxes is believed to be occurring in many States and this results in unrecorded use of highway fuel. In addition, selected buses, taxis and government vehicles are exempt from taxation, State fuel consumption simply does not necessarily reflect interstate use. Often diesel bought in one State is used by trucks traveling through another State and the reporting systems are not uniform among the States.

Likewise, gasoline fuel consumption is also a potentially inadequate measure of use because it is used on all highways and roads, not just interstate highways and like diesel fuel, statewide consumption of gasoline does not necessarily reflect use, condition or need.

Western States with small, sparsely settled populations will bear the sacrifice if the change in the 4R formula is allowed to occur. The cost to 15 western States will be approximately $203 million annually or the equivalent of roughly one of every three Federal dollars for road repair and reconstruction.

The State of Nebraska is served primarily by one Interstate Highway System—Interstate 80 (I-80). This interstate runs for 455 miles across the entire State of Nebraska and has an average daily use of between 31,000 and 7,500 vehicles per day. Between 5,000 to 1,700 of these vehicles are heavy trucks which do the most serious damage. It is important to remember, however, that the vehicles that use I-80 are not just Nebraskan vehicles, they are cars and trucks from every State in this country. I-80 is the most traveled highway system in the world and it is the most natural, major transcontinental route for trade and commerce in the country for over 100 years when pioneers first made their trek to the West.

Many sections of I-80 have now exceeded their planned life. Miles of I-80 have deteriorated badly in the last few years and are now a serious hazard to driving. Last year 10 miles of I-80 were completely reconstructed. An additional 30 miles are planned for reconstruction this year. In the next 5 to 10 years, most if not all of this interstate will have to be replaced entirely. Without the adequate funds to properly execute a regularly scheduled repair and reconstruction program, the rate of deterioration will exceed the rate at which the road can be replaced, repaired or reconstructed. If interstate travel is impeded, on I-80, not only will the commerce of Nebraska be hurt, but the commerce of all States which rely upon I-80 to transport their goods throughout the Nation.

As I stated before, a change in the allocation of 4R funds is illogical. The change ignores the fact that highways in the West, while less traveled, require repair and reconstruction as a matter of general maintenance. The Interstate System as a facilitator of interstate commerce and as a national system should not be subjected to parochial views which dramatically favor one part of the country over another. The change ignores the fact that lane-miles, according to the transportation study, meets all of the necessary tests for a formula factor. The study states:

> Data are available, State-by-State, on a consistent and reliable basis. The distribution of lane miles, of course, will remain quite stable. In addition, lane-miles relate specifically to the Interstate system, while most other alternative factors do not.

I urge my colleagues to vote for the McNulty amendment and oppose the change in the 4R allocation formula.

Mr. HOWARD. Will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from New Jersey.

Mr. HOWARD. I would like to say to the gentleman that this is one person from New Jersey whose State has been on, if you want to say, the losing end, but has always supported that.

Mr. WILLIAMS of Montana. And we have appreciated the chairman's support.

Mr. HOWARD. But here we are talking about maintenance of roads based on usage and the need in this case is in a State like New Jersey. So what we are hoping would be is that we would get the same kind of federalism and fairness and justice and unity from the people that we have been giving our money to for so many years.

Mr. WILLIAMS of Montana. Reclaiming my time, Mr. Chairman, I think you should, too. But I would ask the chairman if he thinks that the 66-percent cut suddenly and dramatically for one State in this Union is fair.

Mr. HOWARD. In this small program, yes, because look at all of the rest that you get in the bill.

Mr. MARRIOTT. Mr. Chairman, I rise in vehement opposition to the 4R (restoration, resurfacing, rehabilitation, and reconstruction) formula change proposed in the bill before us today, H.R. 5504. I would like to take this time to discuss a definite concern of over half of the States in our Nation. The 4R apportionment formula eliminating lane miles adversely affects 28 States, one territory, and the District of Columbia.

How can a proposed change that is supposed to help our Nation end up being so bad for so many of the States that comprise our great United States of America?

From information provided by the Federal Highway Administration, one can readily see that only 22 of our States will be receiving additional funds than they were before the proposed change. The current 4R formula based on 55 percent on lane-miles and 45 percent on vehicle-miles traveled seems to be the fairest solution than any others offered. In H.R. 5504, the formula factors are 50 percent vehicle-miles traveled, 25 percent diesel fuel use and 25 percent gasoline use. As you can see, this proposal eliminates the distance factor (lane miles) and bases the entire allocation on use factors (miles traveled, gas use, and diesel use).

Use factors alone are extremely disadvantageous for not only my home State of Utah, but for over half of our United States. All but two of the Western States. California and Texas, will be adversely affected by this proposed change because of their large land masses, sparse populations, and other means of transportation—such as small aircraft.

Mr. Chairman, I would like to emphasize the traumatic effects this change would have on States such as my home State of Utah, a victim of heavy snows, land and mud slides, and raging floods. Over half of the Interstate Systems in Utah have been damaged by these horrible weather conditions. As you know, Interstate 81 and 15 both cut through Utah. With a loss of nearly half of the funding currently provided in the 4R formula, you can well understand the concerns of Utah and the surrounding States. Utah will be losing over $16 million if the change occurs. Furthermore, the use if diesel and gasoline fuel consumption in the formula is inappropriate. Neither diesel nor gasoline is consumed exclusively on the Interstate System. Therefore, as a measure of interstate usage, the inclusion of these factors would allocate funds not logically related to interstate repair needs. In fact, a Federal Highway Administration report released December, 1983 denied the need to change the formula.

The Interstate system as a facilitator of interstate commerce and as a national system should not be subjected to a parochial view which dramatically favors one part of the country over another. Also, the study mandated by Congress and prepared by the Federal Highway Administration examining the Interstate 4R allocation formula found through using three criteria of need, national benefit and national defense, that the current formula "correlates strongly with the criteria and has a direct conceptual link to the Interstate System" and that "no compelling case can be made for changing the formula at this time".

As legislators, it is our duty to pass legislation that will benefit the good of the country. I cannot understand the "good" contained in this formula change. I am not alone, Mr. Chairman. Not only do a large contingency of Members in this House share my disgust with the committee's proposed formula change, I understand that in markup this bill over on the Senate side, Chairman STAFFORD and a number of his colleagues voiced their strong support to retain the current allocation formula.

It is imperative that the will of the majority prevail, Mr. Chairman. I look forward to favorable action in this body and ask my colleagues to look closely at the numbers released by the Federal Highway Administration. Upon their review, I know that they will join with me in reversing the action taken by the House Committee.

Maintaining the condition of the Interstate System is vital to promoting commerce, tourism, safe travel, and a good national defense, not only for Utah, but for our Nation as a whole. It is mandatory that the current formula remain intact.

● Mr. WIRTH. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from Arizona (Mr. MCNULTY) to retain the existing apportionment formula for the 4R program for the resurfacing, restoration, rehabilitation, and reconstruction of the Nation's Interstate Highway System.

The Members will recall that we engaged in an almost identical debate just a few short years ago in regard to the relative weights that highway use and distance should play in the 4R apportionment formula. At that time, we did eventually revise the old formula to place slightly more weight on the use factors by decreasing the percentage weight that distance, or lane miles, played in the formula and increased the weight of the use factor by increasing the formula's treatment of vehicle miles traveled. Since that time, we have continued to study the 4R apportionment formula, and all of those studies have basically concluded that we would be best served by not altering the 4R formula as it is presently enacted. The Department of Transportation's own study, released this past December, reached the conclusion that dramatic improvement over the current formula was probably not attainable and, from a strictly western perspective, the Western Governors Association has also concluded that he interests of the Western States would be ill served by a change in the current formula.

That latter point is the key to our considerations here today. As the Members are so painfully aware, the challenge of balancing the multitude of regional interests of this Nation in crafting national policy is among the toughest tasks we face in this body. But the simple point in regard to the Interstate Highway System is that the Western States contain proportionally far more miles per capita of interstate highways than any other region of the country. That reality is, as the Members know, part of the western character—population centers and rural towns separated by wide open spaces. The Interstate Highway System serves the West well in this regard in that it provides the most efficient and effective means for moving between points in the West. Consequently, it becomes doubly important for the Western States to have the funds necessary to maintain those transportation routes.

As reported out of the Public Works Committee, H.R. 5504 does not serve that western need for highway maintenance through the 4R program. Rather than recognize the extreme distances of the Western Interstate System, H.R. 5504 proposes that we completely disregard total lane miles and instead focus solely on use factors—vehicle miles traveled and gasoline and diesel fuel consumption—in determining each State's appropriate share of 4R moneys. In my own State of Colorado, implementation of the changes to the 4R apportionment formula contained in H.R. 5504 will yield a net loss of approximately $11.3 million per year; and let me emphasize that this loss pales in comparison to some of the even more dramatic impacts that implementation of the new formula would have on most of Colorado's western neighbors.

Mr. Speaker, regardless of where located in this country, the simple fact is that all highways are subjected to use and its attendant wear and tear. Likewise, all highways are subjected to the effects that natural elements have on their condition. Yet, H.R. 5504 would simply have us only consider how much any particular stretch of the Interstate System is used and ignore that desolate and less-frequently used segments of the system are nevertheless subjected to the process of natural deterioration. Under H.R. 5504, Western States are then forced to take less moneys for the repair and maintenance of the same amount of miles—indeed more miles as the system is completed in our region.

I want to emphasize that the vast majority of this legislation is worthy of every Member's support. I would commend the gentleman from New Jersey, the distinguished chairman of the Public Works Committee, for the leadership he has demonstrated in moving this crucial initiative forward. Approval of the interstate cost estimate, the interstate substitute cost estimate, and the provisions for mass

transit are all of pressing importance to this Nation's infrastructure needs.

We are faced with a challenge today, one which offers this body the opportunity to meet this Nation's important transportation needs and maintain regional equity in meeting those needs. I would remind my colleagues, however, that the only way we can be sure to meet both of those goals today is by adopting the amendment offered by my colleague from Arizona.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. McNULTY).

The question was taken; and on a division (demanded by Mr. Marriott) there were—ayes 16, noes 21.

RECORDED VOTE

Mr. NIELSON of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 315, not voting 25, as follows:

[Roll No. 219]

AYES—93

Akaka	Heftel	Skelton
AuCoin	Jeffords	Slattery
Bedell	Kogovsek	Smith (NE)
Bereuter	Kramer	Smith, Denny
Bevill	Leach	Smith, Robert
Bonker	Lott	Snowe
Brown (CO)	Lowry (WA)	Spence
Campbell	Lujan	Spratt
Carper	Marlenee	St Germain
Chandler	Marriott	Staggers
Cheney	McCain	Stangeland
Coleman (MO)	McKernan	Stump
Craig	McNulty	Swift
D'Amours	Mollohan	Tallon
Daschle	Montgomery	Tauke
Daub	Nichols	Taylor
Derrick	Nielson	Udall
Dicks	Oberstar	Vento
Dorgan	Penny	Volkmer
Dowdy	Rahall	Vucanovich
Erdreich	Reid	Weaver
Evans (IA)	Richardson	Weber
Foley	Roberts	Whittaker
Franklin	Rudd	Whitten
Frenzel	Sabo	Williams (MT)
Gephardt	Schaefer	Winn
Glickman	Schneider	Wirth
Gregg	Schroeder	Wise
Hansen (UT)	Shelby	Wolf
Harkin	Sikorski	Wyden
Hartnett	Skeen	Young (AK)

NOES—315

Ackerman	Boner	Conyers
Addabbo	Borski	Cooper
Albosta	Bosco	Corcoran
Alexander	Boucher	Coughlin
Anderson	Boxer	Courter
Andrews (NC)	Breaux	Coyne
Andrews (TX)	Britt	Crockett
Annunzio	Brooks	Daniel
Anthony	Broomfield	Dannemeyer
Applegate	Brown (CA)	Darden
Archer	Broyhill	Davis
Aspin	Bryant	de la Garza
Badham	Burton (CA)	Dellums
Barnard	Burton (IN)	DeWine
Barnes	Byron	Dickinson
Bartlett	Carney	Dingell
Bateman	Carr	Dixon
Bates	Chappell	Donnelly
Beilenson	Chappie	Downey
Bennett	Clarke	Dreier
Berman	Clay	Duncan
Biaggi	Clinger	Durbin
Biliraki	Coats	Dwyer
Bliley	Coleman (TX)	Dymally
Boehlert	Collins	Dyson
Boggs	Conable	Early
Boland	Conte	Eckart
Edgar	Kostmayer	Pepper
Edwards (AL)	LaFalce	Perkins
Edwards (CA)	Lagomarsino	Petri
Edwards (OK)	Lantos	Pickle
Emerson	Latta	Porter
English	Leath	Price
Erlenborn	Lehman (CA)	Pursell
Fascell	Lehman (FL)	Quillen
Fazio	Lent	Rangel
Feighan	Levin	Ratchford
Ferraro	Levine	Ray
Fiedler	Levitas	Regula
Fields	Lewis (CA)	Ridge
Fish	Lewis (FL)	Rinaldo
Flippo	Lipinski	Ritter
Florio	Livingston	Robinson
Foglietta	Lloyd	Roe
Ford (MI)	Loeffler	Roemer
Fowler	Long (LA)	Rogers
Frank	Long (MD)	Rostenkowski
Frost	Lowery (CA)	Roth
Fuqua	Luken	Roukema
Garcia	Lundine	Rowland
Gaydos	Lungren	Roybal
Gejdenson	Mack	Russo
Gekas	MacKay	Savage
Gilman	Madigan	Sawyer
Gingrich	Markey	Scheuer
Gonzalez	Martin (IL)	Schulze
Goodling	Martin (NY)	Schumer
Gore	Martinez	Seiberling
Gradison	Mavroules	Shannon
Gramm	Mazzoli	Sharp
Gray	McCandless	Shaw
Green	McCloskey	Shumway
Guarini	McCollum	Shuster
Gunderson	McCurdy	Siljander
Hall (IN)	McDade	Sisisky
Hall (OH)	McEwen	Smith (FL)
Hall, Ralph	McGrath	Smith (NJ)
Hall, Sam	McHugh	Snyder
Hamilton	McKinney	Solarz
Hammerschmidt	Mica	Solomon
Hance	Michel	Stark
Hawkins	Mikulski	Stenholm
Hayes	Miller (CA)	Stokes
Hefner	Miller (OH)	Stratton
Hertel	Mineta	Studds
Hightower	Minish	Sundquist
Hiler	Mitchell	Synar
Hillis	Moakley	Tauzin
Holt	Molinari	Thomas (CA)
Hopkins	Moody	Thomas (GA)
Horton	Moore	Torres
Howard	Moorhead	Torricelli
Hoyer	Morrison (CT)	Towns
Huckaby	Morrison (WA)	Traxler
Hughes	Mrazek	Valentine
Hunter	Murphy	Vander Jagt
Hutto	Myers	Vandergriff
Hyde	Natcher	Walgren
Ireland	Neal	Walker
Jacobs	Nelson	Watkins
Jenkins	Nowak	Waxman
Johnson	O'Brien	Weiss
Jones (NC)	Oakar	Wheat
Jones (OK)	Obey	Whitehurst
Jones (TN)	Olin	Whitley
Kaptur	Ortiz	Wilson
Kasich	Ottinger	Wolpe
Kastenmeier	Owens	Wortley
Kazen	Oxley	Wright
Kemp	Packard	Wylie
Kennelly	Panetta	Yates
Kildee	Parris	Yatron
Kindness	Patman	Young (FL)
Kleczka	Paul	Young (MO)
Kolter	Pease	Zschau

NOT VOTING—25

Bethune	Harrison	Pritchard
Bonior	Hatcher	Rodino
Coelho	Hubbard	Rose
Crane, Daniel	Leland	Sensenbrenner
Crane, Philip	Martin (NC)	Simon
Evans (IL)	Matsui	Smith (IA)
Ford (TN)	Murtha	Williams (OH)
Gibbons	Pashayan	
Hansen (ID)	Patterson	

□ 1630

Mr. RALPH M. HALL, Mr. ZSCHAU, and Ms. MIKULSKI changed their votes from "aye" to "no."

Messrs. WHITTEN, CHANDLER, and SIKORSKI changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. VUCANOVICH: Page 58, after line 5, insert the following:

4R PROJECTS FOR PRIMARY HIGHWAYS DESIGNATED AS PART OF THE INTERSTATE SYSTEM

SEC. 141. (a) The last sentence of section 139(a) and the fourth sentence of section 139(b) of title 23, United States Code, are each amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

(b) Subsection (a) of section 119 of title 23, United States Code, is amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada.

There was no objection.

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

Mrs. VUCANOVICH. I yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentlewoman for yielding.

Mr. Chairman, we understood this had been cleared with the other side. Apparently there is some confusion.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn at this time, without prejudice, to offer it later.

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

There was no objection.

AMENDMENT OFFERED BY MR. DOWNEY OF NEW YORK

Mr. DOWNEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWNEY of New York:

Page 28, after line 14, insert the following:

(gg) The Secretary is authorized to carry out a highway project in Suffolk County, New York, for the purpose of demonstrating construction techniques to accelerate upgrading of an existing highway to freeway standards with minimum disruption of traffic.

Page 28, line 15, strike out "(gg)" and insert in lieu thereof "(hh)".

Page 28, line 18, strike out "(ff)" and insert in lieu thereof "(ff), and (gg)".

Page 28, line 21, strike out "(hh)" and insert in lieu thereof "(ii)".

Page 34, line 9, strike out "and".

Page 34, line 13, strike out the period and insert in lieu thereof "; and".

Page 34, after line 13, insert the following:

(36) to carry out the preliminary engineering and design and initial construction activities under subsection (gg) not to exceed $3,000,000 for the fiscal year ending September 30, 1985.

Page 34, line 14, strike out "(ii)" and insert in lieu thereof "(jj)".

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

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

There was no objection.

Mr. DOWNEY of New York. Mr. Chairman, as we all know the roads and highways of our Nation are in dire need of repair. Today we are discussing a bill that seeks to restore the high quality and safety of our roads, highways, and bridges. I would like to offer an amendment to this bill that will provide the planners and developers of this Nation with an example of the ways in which roads can be improved to highways using the most advanced planning techniques available.

My amendment calls for funding for Sunrise Highway, a roadway which runs through my district, the second in New York. The widening and renovation of the stretch of Sunrise between the towns of Bay Shore and Patchogue has been in the works for nearly 20 years. Sunrise is a crucial component of Long Island's transportation network, running the entire length of the south shore. In fact, it is the south shore's only major truck route. The renovation of the Bay Shore to Patchogue stretch is essential to the safety, convenience, and commerce of all Long Islanders.

While a portion of the road between these two towns has been modernized and improved with overpasses and service roads, there is still a good part of the road between Oakdale and Patchogue that needs desperate attention. Without the improvement of these few miles, the nearly $45 million of Federal funds used to improve the western end of the project will be wasted. Sunrise will still be a two-lane roadway marred by dangerous intersections and traffic lights.

To the planners and developers of this country, the Sunrise project will be an important demonstration of how roadways in rapidly growing areas such as Long Island can be improved using advanced planning techniques and without adversely impacting those areas.

I urge my colleagues to support this amendment and the fine work of Mr. Howard and the rest of the Public Works Committee.

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

Mr. DOWNEY of New York. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Chairman, we have examined this amendment and are willing to accept it on this side.

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

Mr. DOWNEY of New York. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, we have examined this amendment, and we accept it.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. GREGG

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

The Clerk read as follows:

Amendment offered by Mr. GREGG: On page 34, line 24, strike "project eligibility" and all that follows through page 35, line 13 and renumber the sections accordingly.

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

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

There was no objection.

Mr. GREGG. Mr. Chairman, this is an amendment which addresses approximately $2 billion in the bill, which is going to be spent for the purposes of burying the central artery in Boston and creating a new tunnel in Boston of four lanes.

The proposal to bury this central artery, which is now elevated and make a tunnel in Boston and create the four lane tunnel is an extremely excessive expenditure in light of the present deficit situation.

The central artery which is now elevated and the new tunnel which is proposed would create an additional cost to the Federal Treasury if they go forward in the present form as proposed under this bill of approximately $2 billion.

Now when you consider that I suspect the assessed value of the city of Boston is less than $2 billion and $2 billion would run the State government of New Hampshire for 3 years and $2 billion represents a rather high percentage of the present deficit which we are presently confronting as a Federal Government, it seems to me that to go forward with this proposal is at best financially inappropriate.

□ 1640

The proposal has been rejected by the Federal Highway Administration. I am talking about the facts of the proposal. I am not talking about the issue of whether or not this proposal represents some form of porkbarrel or boondoggle for the benefit of some Members of this House. That is not going to be the specific issue I want to address. I want to address the facts of this project.

This project, as originally proposed, was to be a limited repair project on the essential artery, costing approximately $325 million. In addition, it was to be a special-purpose, two-lane tunnel under the river, costing approximately $339 million.

Unfortunately, in the way that things work in our system here at the Federal level, the project has exploded and ballooned to the point where it is now a $2 billion project involving taking the central artery, which is now elevated—it happens to be a fairly reasonable form of transportation in the city of Boston, one which I have been on on numerous occasions—and burying it underneath the ground, or making a tunnel, and creating a new four-lane tunnel underneath the river in Boston.

It is totally inconsistent with the 1981 law which we passed here in the House, which was known as ICE, the interstate completion enactment or bill, which was passed for the purposes of reducing the cost of the completion of the Interstate System down from $53.8 billion to $38.9 billion.

When we passed that bill we did it so that we could complete the interstate system in the most cost-effective way. And when we passed that bill, the completion of this central artery and the production of this huge tunnel was not in the bill. What was in the bill was repairs to the central artery and the two-lane tunnel.

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

Mr. GREGG. In just a second I will be happy to yield to the gentleman from Florida.

Second, the reduction in costs which were created in the 1981 bill in order to complete the interstate did not impact the original spending on the central artery or the new tunnel. The $77 million of that reduction which was allocated to Massachusetts did not go to that project. So that project was maintained as originally conceived. But now it has exploded.

And let me read to you from a letter sent to the Secretary of the Massachusetts Executive Offices of Transportation and Construction, this letter written on February 14 by Mr. R. A. Barnhart, of the Federal Highway Administration. This letter says in part:

We continue to state our position that the extremely expensive proposal to depress the elevated section of the central artery was neither in the public interest nor justified from a transportation standpoint. Throughout this time your proposal was to depress

the existing six-lane central artery facility without adding additional capacity or safety. In our meeting with you we referred to the concept as a billion-dollar highway beautification project, which was clearly an unwise use of highway revenues.

The CHAIRMAN. The time of the gentleman from New Hampshire (Mr. GREGG) has expired.

(By unanimous consent, Mr. GREGG was allowed to proceed for 3 additional minutes.)

Mr. GREGG. In addition, as to the tunnel, Mr. Barnhart commented: "Though we agree with your analysis of the cost estimates relating to I-90, our review of the third harbor tunnel indicates that the 1981 act limits funding eligibility to a two-lane"—not four-lane—"special purpose tunnel."

There is no question but that this project as proposed is totally out of sync with the laws that we passed in this Congress in 1981 in order to get under control the spending which was occurring in order to complete our interstate highway system.

There is the issue of the porkbarrel, and I would just simply refer and leave it at this: I would refer to the Webster's New World Dictionary of American Language, which defines "porkbarrel" as slang, government appropriations for the political patronage, as for local improvements to please legislators' constituents.

I would represent that the burying of the central artery in Boston is neither necessary nor appropriate and that the creation of a four-lane tunnel in Boston is illegal and inappropriate under the present law as it is structured.

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

Mr. GREGG. Now I would be happy to yield to the gentleman from Florida.

Mr. MACK. I just wanted to raise this question: I believe that your opening comments implied that this particular project did not fit within the scope of the bill; is that correct? Or the law that was written to raise the funds. What was your point?

Mr. GREGG. My point is, it does not fit within the scope of ICE, which was the original proposal.

Mr. MACK. And the reason it does not fit in is because this is a new project or an extension of the highway system?

Mr. GREGG. This is a rather excessive expansion, according to the Federal Highway Administration, of what was originally proposed to be done with the central artery.

Mr. MACK. I thank the gentleman for the information.

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

Mr. Chairman, there has been a lot of discussion, mostly in newspapers and political newsletters, concerning this central artery project in the city of Boston, with a claim that the leader of the House of Representatives may be attempting to add a project to this highway legislation or to the interstate legislation.

I would like to refer to just a few of the statements first made by the author of the amendment to delete this project. The gentleman from New Hampshire first stated that this is an attempt to put an additional project in the interstate system. The gentleman is absolutely wrong. This is not a new project. This project has been an accepted project since the 1970's. It was placed in under a Republican administration, added to interstate cost estimates under the administration of former President Ford, supported by——

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

Mr. HOWARD. I will yield when I finish my 8 minutes, or so, whatever the gentleman from New Hampshire had.

It is not additional money at all.

The gentleman said that this might add to our deficit that we are facing in the country. I would hope that the gentleman would understand that the highway trust fund consists of funds contributed by people into a trust fund for one purpose and one purpose only and does not add to the deficit.

One of the things about our highway projects is that, in a sense, we bring our own money, or we bring the money contributed by the users of our highways to maintain our highway system.

The gentleman says this was rejected. This has not been rejected by anyone other than a spokesman for the present Highway Administrator.

As to the porkbarrel reference to it, I will not even refer to that, because we want to keep our legislation in this House on a higher plane. We can leave that to our political discussions.

The central artery was on the original interstate system. Every ICE—interstate cost estimate—that we passed had funds included for the project.

The gentleman from New Hampshire said that this is an addition to the ICE. That is totally wrong.

At one point a Governor of the Commonwealth of Massachusetts wrote a letter to the Federal Highway Administration, saying they did not intend to build that central artery project. Some months later, this Congress passed an interstate cost estimate, which still reflected the depression of the central artery in Boston. Never eliminated. The new Governor came in and said, "We do intend to go along with this project." So an awful lot of people have had an awful lot of fun outside these walls about the "Speaker's project." It was on the system, it has always been on the system, all of the ICE's, including this ICE, have the funds for that project. So this project is the only one being attacked in this legislation. And I just hope that we can get back on a higher plane, follow the recommendations on the ICE, and do not reject this one project.

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

Mr. HOWARD. I will be happy to yield to the gentleman, whoever is asking me to yield.

Mr. GREGG. I would just refer the gentleman to this letter from Mr. Barnhart.

Mr. HOWARD. I am very familiar with all of the statements Mr. Barnhart has made, this letter, the speeches he makes at Republican rallies and meetings. And it was a very fine thing for a long while to say the Speaker is trying to include and add a $1.7 billion boondoggle to this bill. That is not the fact. It is not true.

Mr. GREGG. Is the gentleman yielding?

Mr. HOWARD. Yes. No. I refuse to yield to the gentleman any more.

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

Mr. HOWARD. I yield to this gentleman.

□ 1650

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

Mr. HOWARD. I yield to the gentleman.

Mr. MACK. The question I would like to raise is that apparently the Secretary has made those statements, and of course, the gentleman, the administration has made those statements, and the gentleman has been trying to refer to them.

Apparently there is some disagreement as to just how much of a project was included? Is that correct?

Mr. HOWARD. No; there is a question as to whether a letter sent by the Governor, not adhered to in any approved interstate cost estimate before or since then, whether that eliminated the project. All we are doing here is to say that the Congress means in this legislation, what is has always meant; we are not adding this in this bill, we are merely clarifying that situation because we believe it was always on the system.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HOWARD) has expired.

(By unanimous consent, Mr. HOWARD was allowed to proceed for 3 additional minutes.)

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

Mr. HOWARD. I yield to the gentleman.

Mr. MACK. I thank the gentleman for yielding.

So what we are saying is that what is in this legislation is really a clarification; it may have some disagreement

with the amounts of money something may have cost under the old ideas of what was going to be done. But this is clarification to once and for all, get beyond this question of whether it should have been included or was included or could be included. Is that correct?

Mr. HOWARD. It has always been included in the ICE. Just a clarification to straighten out a statement and position that was taken by the Federal Highway Administration as administrators, yes.

Mr. MACK. I am raising these questions because this is pretty new to me. I have not been involved in the process, so I appreciate the yielding.

Mr. HOWARD. I appreciate the gentleman's question.

Mr. MACK. Is it typical to come to Congress to clarify these things or do you generally go to, or would one of the other methods be to go through some kind of court action to determine that or what?

Mr. HOWARD. Generally, the Federal Highway Administration follows the intent of the Congress of the United States, as it should do. That would be done by our approval of a certain interstate cost estimate, despite the fact that that interstate cost estimate from beginning to end always included the project, because of one letter, they were attempting to get the word out that perhaps this would not be an eligible project. Normally, we do not. Normally, Federal highway administrators and this committee under all administrations, the Federal Highway Administration usually follow the intent of Congress. Here, that does not seem to be the case. We are just clarifying what the Congress has meant from the beginning.

Mr. MACK. I guess the reason some of us have our backs up a little bit about it is again because of some of the rhetoric we have heard; some of the articles that have been written.

It appeared that for a while that certain funds, some people say $4 billion, some people $5.5 billion of highway funds were held up and not expended until there was some agreement that was raised. What bothers me about that is the thought that so much effort was put into trying to raise some funds to put people back to work, and through the expenditure of those dollars, and that a game was being played with the American people.

Mr. HOWARD. Let me say to the gentleman that that had nothing to do with the holding up of the passage of the ICE several months back. The gentleman is referring to that. It was being blamed on the fact that this one project was holding it up.

The gentleman from Pennsylvania will talk about the holdup, and what the reasons were. This was in no way a factor in holding that up, although it was beneficial for people, as you said, the rhetoric you heard about the Speaker's project holding up all these jobs. It just was not true. We did not bother to take that on at that time, knowing that we would come here under the legislative process and have it settled in the proper way.

I am glad the gentleman brought that up because that was never a factor or a reason for holding up that ICE months back. We had many, many reasons, both on the minority and majority side of the committee to hold that legislation back.

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

Mr. Chairman, I have no burning desire in the deep pit of my stomach to rise in ringing support for this Boston project. Yet, fair is fair. I cannot in good conscience sit silent and let all the accusations and the misinformation pour onto the floor.

Now, granted, the distinguished Speaker is a wonderful target of opportunity, and I confess, there would be a certain thrill in taking advantage of that target of opportunity. But the truth of the matter is, this project has been a part of the interstate cost estimate form many, many years. It goes all the way back to being originally proposed in 1974 by a Republican governor and was reaffirmed in 1976. It actually was put into the interstate cost system in 1976 by agreement with the Republican administration here in Washington, and with the support of former Secretary of Transportation John Volpe.

Now, the Federal Highway Administration recently has interpreted the activity to say that it is not eligible. the Federal Highway Administration is wrong in its interpretation of the law. Every cost estimate we have had in this Congress has had the Boston project in it.

I happen to have been the author of an amendment which was passed, and eventually came into law reducing the overall amount of money allocated to the Interstate System nationally by about $15 billion. As we went through the projects and identified those projects which, when added up, amounted to the $15 billion by which we could reduce the overall interstate cost estimate, I can tell you as the author of that amendment the Boston project was not one of those projects which was canceled out. It remained in.

So, I must, in the interest of fairness, say that this project has been in. Yes, it is a lot of money; it is an awful lot of money, but we should not single this one project out, as tempting as it is to do so. Let us remember that every time we build a major highway project, an interstate or interstate-related project, in and around the big cities of America, we are talking about billions of dollars.

The West Way in New York, $1.8 billion; the Century Freeway in Los Angeles, $1.5 billion; I-90 in Seattle, $1 billion; Phoenix Freeway, $331 million; the Eisenhower Freeway in Chicago; the Dan Ryan Highway in Chicago; the Harbor Freeway in Los Angeles. The Blue Route in Philadelphia, one can go on and on. When we talk about modernizing the Interstate System through and around our large urban centers, we are talking big bucks. Unfortunately, that is a fact of life, but it is also a fact of life that this project has been included in interstate cost estimates for the past 10 years in this Congress. It is regrettable that it has been seized upon because of the political connotations.

But I would end by saying particularly to my colleagues on our side of the aisle, that the great value of our transportation programs in America has been that they have not been politicized in a partisan way, and we, therefore, should resist this urge and desire to politicize this one. Those of us in the minority in particular should remember that as long as transportation is not politicized, we are going to get a fair shake. When the day comes that transportation programs are politicized in a partisan way, we are the ones who are going to be hurt worse.

So, for all those reasons I would urge the defeat of this amendment from my dear friend.

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

Mr. SHUSTER. I yield to the gentleman.

Mr. GREGG. I thank the gentleman for the warning, and I recognize that this is a bit of an exercise in the Light Brigade. But I would also note that yes, and I think I was quite open and honest in stating that the project had been approved but it was not approved at the level. We were not talking about burying the artery before this.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(On request of Mr. GREGG and by unanimous consent, Mr. SHUSTER was allowed to proceed for 2 additional minutes.)

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

Mr. SHUSTER. I would respond to the gentleman by saying that the amount of money provided in ICE is more than, significantly more than the money that would have been required to do the work as the work has now been suggested by the Federal Highway Administration.

Mr. GREGG. If the gentleman will further yield, the original amount of money was going to be $64 million for the central portion; this was upgrading of the existing decks and interchanges, and $265 million for the north section. Now, that is a heck of a

lot different than the approximately $1.6 billion that is involved in the artery under this proposal, and burying it.

Mr. SHUSTER. I would respond to my friend that I think those figures added up to about $400 million, give or take, and that the State of Massachusetts has indicated that they did not submit the whole project at once because it was such a lengthy project and was going to take so many years to complete. I confess I feel very uncomfortable here speaking for and defending Boston and the State of Massachusetts, but this is the information we have.

The 1975 cost estimate submitted by the State included the $359.8 million for the original expenditures for depressing the central artery. This is contained in estimate section A1.3 to A1.6.

Mr. GREGG. If the gentleman will yield, those are the figures that I quoted when I originally spoke, and I make the point again that the original idea was to repair the northern section of the freeway and the middle section of the freeway. It was not to take the freeway and put it underground as a tunnel. That is the issue here. When you add another $1.2 billion to the project, you are significantly increasing its cost, and I am not arguing anything other than the fact that here we are confronting a $180 billion deficit and we are adding a project that is going to create $2 billion in taxes.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 1 additional minute.)

Mr. SHUSTER. Simply to respond to that point, when the gentleman refers to the deficit, there can be no deficit spending in our highway program because the user fees from the gasoline tax flows into the trust fund.

□ 1700

So while the gentleman is certainly right in being concerned about the overall deficit that this Federal Government is generating, that is an irrelevant issue with regard to the highway program because this is funded out of the trust fund which comes from user moneys, and under the law there can be no deficit spending. So this does not affect it in that way.

Mr. GREGG. If the gentleman would yield in response to the point, I would note that we just raised taxes on the user fee and I am sure people do not want their money to be wasted frivolously on adding another $1.2 billion to a project.

Mr. SHUSTER. The State of Massachusetts says the money is not wasted, and that has been our understanding for the past 10 years.

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

Mr. Chairman, I think it is important and imperative when discussing the Boston project, and I do represent the city of Boston, live in that same city and serve on the House Committee on Public Works and Transportation, that we be aware of the historic and policy facts as we deal with the Boston project, which includes the suppression of a section of Interstate 93 in the core of the city of Boston, and a completion of the extension of Interstate 90 from the city of Boston to Logan Airport in the East Boston section of the city.

In December 1982, the Congress passed a Surface Transportation Assistance Act signed by the President. One of the major components of that act was a provision that was included by our subcommittee would force all States to make decisions on the completion of the interstates in their boundaries, and especially in urbanized areas and industrial States, I am sure that everybody understands that highway and road construction and land taking can be a very controversial political item.

But because of the insistence of the Committee on Public Works and Transportation that the States, in effect, put their act together, that they make those tough decisions whether to build or not to build, the Commonwealth of Massachusetts was forced to come to the Federal Highway Administration by October 1, 1983, with a plan either to complete the interstate or to take advantage of interstate fund transfer. The body politic in Massachusetts worked extremely hard over a very short period of time putting together the diverse opinions of all peoples in the region and came forward with a plan that would suppress the central artery, a program that had already been on the interstate, and the construction of a third harbor four-lane tunnel from the downtown section of the city out to the airport.

At that time, this report, this voluminous report which cost the Commonwealth of Massachusetts millions of dollars, was presented to the Federal Highway Administration. Individuals who are in charge of that agency expressed some concern in regard to the eligibility of the suppression of the central artery. It has been our contention over the course of the last decade that both the suppresson of the central artery and the construction of the third harbor tunnel have been and will be and ought to be part of the completion of the Interstate System.

I would hope that as we discuss this issue, I think we need to keep one or two things in mind. The project is expensive; there is no question about that. But anybody who researches road construction in urbanized areas will understand just how expensive those sorts of constructions are.

I would say to my very good friend, the gentleman from New Hampshire, we in the city of Boston and Massachusetts would hope that the suppression and the widening of the artery would make the ability of our people to travel to that magnificent State, to visit as tourists and to come up there and spend our hard-earned dollars, would be a boon to the economic development of our good friends in New Hampshire. It is not just a city of Boston issue; it is a regional issue. Boston is a very unique city. It is one of the most densely populated and congested, and clearly one of the oldest cities in this great Nation.

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

Mr. DONNELLY. I would be happy to yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding.

Mr. Chairman, one of my concerns, of course, is that we do like to have people from Massachusetts come to visit our fair State and, of course, we enjoy having people from Massachusetts move to New Hampshire and participate in our fine tax climate, but what happens to the folks from New Hampshire who take their children to Boston to see Faneuil Hall and are driving down central artery and suddenly they disappear underground and they cannot see Faneuil Hall or maybe they cannot see the Constitution any longer?

This could have a devastating effect on the ability of tourism in Boston in the ability to see the city.

Mr. DONNELLY. If I may reclaim my time, we certainly would not want to do anything that would have a devastating effect on the children of New Hampshire. Let me assure the gentleman that there will be sufficient exit ramps on that fine road so the good people of New Hampshire will be able to come to visit the fair city of Boston.

Let me just make one last point.

One of the other critical points and the other critical pieces of the Surface Transportation Assistance Act of 1982 was a deadline of September 1986 for start of construction. That is the reason that we are trying to move ahead with the approval and with the funding of this project. We have to be able to put those shovels in the ground by September 1986.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. DONNELLY) has expired.

(By unanimous consent, Mr. DONNELLY was allowed to proceed for 1 additional minute.)

Mr. DONNELLY. I would hope that this debate will be discussed on trans-

portation policy and not on personalities, and certainly not on politics.

I would say to you as a Representative from the Commonwealth of Massachusetts that our amendment on this legislation is only asking for what we feel is our fair due in terms of what our people pay into that highway trust fund. Because of lack of cooperation and the inability of the different factions in the Metropolitan Boston region over the course of the last decade to reach agreement on transportation policy, we have not taken advantage of the funds that have been available to us.

There is now unanimity. There is now agreement, and we come to our friends in this institution to say we have agreed, we have held to the guidelines of the Surface Transportation Act of 1982. We did what you told us to do, and I just cannot understand, for the life of me, the depth and the breadth of the opposition to this project.

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

I rise in opposition to the amendment and urge my colleagues to consider the Boston provision on its merits. I am convinced that those who do so will join me in concluding that the provision now in the bill should be retained and not stricken as the amendment before us seeks to do.

The purpose of the section which this amendment would strike is to resolve once and for all the legal issue of two related Boston projects: The depression of the central artery and construction of the third harbor tunnel as a four-lane facility. The question is simply whether they are eligible for funding as regular projects on the Interstate System.

In the absence of this legislation, the issue is in doubt. The Commonwealth of Massachusetts argues that they are eligible, and the Federal Highway Administration argues to the contrary. Neither side, in my judgment, has a clear-cut case.

There has been considerable controversy over the extent to which funds for the projects were included in the 1981 interstate cost estimate and how the inclusion of these funds should be interpreted in light of the 1981 Highway Act, which redefined eligibility for interstate construction.

For this and perhaps other reasons which I see no need to go into, one important overriding question has been shoved into the background. That question is not so much how existing law is to be interpreted, particularly not at a time when we are in the process of amending the law. The question is what is needed to resolve a critical transportation problem afflicting not only the city of Boston but the free and efficient flow of traffic through a vitally important section of New England.

The answer is that this work is necessary and worthwhile, and should be carried out. The answer is further that, if existing law is unclear as to whether the project is eligible, we should amend the law.

The merits of this project have been recognized by the Federal Highway Administration. In an August 10, 1982, letter from the Federal Highway Administration to the State of Massachusetts, the Federal Highway Administrator stated:

> I want to make it clear that our decision is not a reflection on the merits of the proposed tunnels. I fully understand the benefits their construction would provide the area in traffic handling, jobs, esthetics, etc. I also realize that public opinion might prevent construction of the other aspects of the proposed Central Artery North Area project if the tunnels are not included. However, these factors are not part of our considerations. We only address whether the work is an Interstate obligation within the context of the 1981 act. I would hope that the merits of the tunnel would prompt State and local officials to seek and use other sources of funding for their construction.

And I am convinced that the law should be changed to permit these two related projects to proceed.

The really unfortunate aspect of the dispute between Massachusetts and the Federal Highway Administration is that it may have been totally unnecessary. As I understand the situation, there was a dispute within the State for a time as to whether to proceed with the projects. If it had been resolved in a timely fashion in the favor of the projects, which is what ultimately happened, then the question of eligibility would never have arisen and the projects would have probably been completed by now or at least well underway.

These are expensive projects, Mr. Chairman, and that fact leads me to two concluding comments: First, I would caution my colleagues that cost alone is hardly a valid reason in and of itself for opposing an urgently needed project, particularly since the segments of the Interstate system remaining to be completed often involve high-cost urban construction. The costs are high to be sure, but so are the economic benefits of reducing paralyzing congestion.

My second point is that some analyses of this bill have tended to attribute the total cost of the Boston provisions to the cost of the bill in the same manner as if the total cost were being authorized. This not only artificially inflates the cost of the bill but contributes nothing to an informed decision. In reality, the provision merely assures that the projects are eligible for funding when ready to proceed and interstate cost estimates in the future reflect that fact.

This is the basis on which I have examined the Boston provision and the basis on which I joined in support of its inclusion in the bill. And it is on this basis that I see no merit in the amendment and urge that it be rejected.

□ 1710

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. SHANNON).

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRENZEL. Mr. Chairman, is it not customary to choose Members opposed and supporting the amendment in some kind of rough order?

The CHAIRMAN. The Chair is attempting to be fair. What the Chair is doing is alternating between the two sides.

Mr. FRENZEL. I thank the Chair.

The CHAIRMAN. The gentleman from Massachusetts (Mr. SHANNON) is recognized.

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

Mr. Chairman, the Third Harbor Crossing/Central Artery project is critical to the continued prosperity and vitality of Boston, the Commonwealth of Massachusetts, and the greater New England region. The present roadways serving downtown Boston and Logan Airport are choked with an unacceptable volume of traffic making it difficult for commuters, local residents, commercial vehicles, and tourists to get in and out of the city. The proposal now before Congress is the product of many years of debate. It accommodates the concerns of surrounding businesses, neighborhoods, and environmental groups and it is desperately needed.

Boston's Central Artery, elevated over the streets of the downtown area, acts as the only conduit for traffic north, west, and south of Boston. It also provides direct access to Logan Airport, one of the 10 busiest airports in the country. This roadway, however, is old, overcrowded, and greatly in need of major repairs. The lanes are narrow, there are no breakdown lanes or shoulders, and the on/off ramps are badly placed, resulting in unsafe traffic weaving patterns. While it was built to carry 50,000 cars a day, it now carries three times that load. Consequently, the accident rate for the Central Artery is 2½ times the national average for urban highways. Ten percent more traffic is expected by the turn of the century. This project would mean burying the Central Artery underground where a larger road can be constructed. This would ease traffic congestion, remove a troubling eyesore from the face of down-

town Boston, and make traveling on the Central Artery safer.

As for the existing tunnel that links the artery with Logan Airport, it too is badly congested, often forcing costly delays for both freight and airline passengers. Another larger tunnel is necessary to preserve the economic well-being of Boston and to improve the quality of life for those who live in the city and its outlying suburbs.

These projects, however, are not new proposals. They have been under consideration in Massachusetts for years and have been included as an eligible project in every interstate cost estimate since 1976. The Third Harbor Crossing/Central Artery project enjoys strong bipartisan support, not to mention the endorsement of the Boston business community, environmental groups, and community organizations.

Great care has been taken in designing the project to minimize disruption of traffic, neighborhoods, businesses, and the environment. The current plan is such that not a single business or resident would have to relocate because of construction. Furthermore, the old Central Artery would stay open while the new one is built beneath it. Upon its completion, thousands of cars would be off the streets of downtown and many areas in and around Boston would open up for much needed development.

Inclusion of this project in the 1983 cost estimate is essential to the future of Boston and the greater metropolitan region. And so the controversy must end and the construction begin.

Mr. Chairman, I really want to thank my colleague, the gentleman from Massachusetts (Mr. DONNELLY) for his leadership on this issue, and also those on both sides of the aisle who have spoken up on this project. It is a project whose purpose is simple. It is to insure the economic prosperity of our region, New England, and to insure the safety of our citizens. For those reasons, I urge the defeat of this amendment.

The CHAIRMAN. Let the Chair state that the Chair does not know which Members are for the amendment and which ones are against it. In alternating, it actually gives the minority party an advantage, and the Chair hopes that that is understood.

The Chair recognizes the gentleman from South Carolina (Mr. HARTNETT).

Mr. HARTNETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire (Mr. GREGG).

Mr. Chairman, we have all read recently reports of the deteriorating condition of over 50 percent of the bridges located in this country along our primary, secondary, and interstate routes.

Mr. Chairman, I submit that $1.7 billion would go a long way to alleviate much of that deterioration of our bridges. I think that there are few, if any, on this side of the aisle or that side who would not argue that the Boston project is probably very necessary and very long overdue, but I think there is some justification, Mr. Chairman, for the argument, especially that put forth by the gentleman from New Hampshire, that the project could be completed for probably half the $1.742 billion estimated cost.

No one wants to deprive swift access to Logan Airport or safe passage for any of our fellow citizens in Boston, but I think to ask this Congress to appropriate twice the amount of money necessary to build this project so we can enhance the economic development of areas of Boston may be a little unfair.

Mr. Chairman, one of the speakers who preceded me to the microphone on the other side of the aisle spoke briefly of the historic value of the city of Boston.

□ 1720

Boston is probably second only to Charleston, S.C., in historic value, where I happen to have had the privilege of coming from, Mr. Chairman. I did a little researching. I called our county auditor, our county assessor on the telephone moments before I came on the floor here and I asked him, what was the entire appraised value of the city of Charleston, all the real property in the city of Charleston? Now, this is not the assessed value, but the appraised value of all the real estate in the city of Charleston, including hotels, motels, historic buildings, and dwellings and places of national importance. The entire appraised value of the city of Charleston is $1.742 billion, almost the exact dollar of this project.

Now, I would submit that it would probably be a better investment on behalf of this Congress to buy the city of Charleston than it would be to build the Boston Connector.

Let me just mention this, Mr. Chairman, that in 1775—we have heard 1975 alluded to here today—a gentleman by the name of Paul Revere got a signal from his friends and hung a lantern in the North Church tower. Had Paul had to ride through this tunnel, Boston would not be here today, because the people of Massachusetts would not have been able to see him as he rode his steed through the night warning them of the arrival of the British troops.

Mr. Chairman, I just think it is an awful lot for this Congress and for the delegation from Massachusetts to ask this Congress to appropriate over twice the amount of money that is necessary to alleviate the traffic problems which face the commuters in that wonderful historic city of Boston.

Therefore, Mr. Chairman, I rise in strong support of the amendment of the gentleman from New Hampshire and I encourage my colleagues to vote for it.

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

Mr. HARTNETT. I yield to my colleague, the gentleman from Massachusetts.

Mr. DONNELLY. Mr. Chairman, I cannot help but be impressed with the breadth of the gentleman's understanding of the great historic importance of the city of Boston.

Let me just say in response to the comment about Paul Revere which was mentioned. If we did have that tunnel suppression data, he would have been a lot drier when he arrived in Lexington and Concord.

There is one point I think that has to be enunciated and that point is that the moneys being spent for the suppression of the artery and the construction of the tunnel will be coming out of Massachusetts allotments. The construction of both of these interstate systems is going to take well over 10 years. It will be moneys that would be coming out of money that was allotted to Massachusetts under the formula. We could have, we very well could have, prior to October 1, 1983, transferred those dollars into mass transit purposes. We decided not to. We met the mandates of the 1982 act to complete the interstate. I would just like to point that out to my friend.

Mr. HARTNETT. Mr. Chairman, if I might reclaim my time for a moment, I do not argue the merits of the project nor the needs of it, nor I am sure what it will do for the Boston area.

I do argue, Mr. Chairman, that that much money is being spent on a project that probably could be done for half the amount and although the money would come from the citizens of Massachusetts allotment, I am sure there are other citizens in the great Commonwealth of Massachusetts and in the urban areas if there are any, that are not heavily populated already, who have deteriorating bridges and deteriorating roads that could use that money and spread it more evenly among the Commonwealth of Massachusetts, rather than concentrating it all in the Boston area.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

(At the request of Mr. SHUSTER, and by unanimous consent, Mr. HARTNETT was allowed to proceed for 1 additional minute.)

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

Mr. HARTNETT. I yield to the gentleman.

Mr. SHUSTER. Mr. Chairman, I would just like to say to the gentle-

man, when he talks about the bridges and the need for dollars for bridges, that is not the way the Federal aid highway program works. There are different categories. There is a bridge category and there is money set aside that goes for repairing and building bridges. There is money which is allocated to the Interstate System and that money allocated to the Interstate System only can be spent for the Interstate System. To talk about this money being spent for a piece of interstate in Boston called the Central Artery is suggesting that somehow that money could better be spent for bridges, either in Massachusetts or somewhere else. But that is not the way the system works. That is impossible and it could not happen.

Mr. HARTNETT. Well, Mr. Chairman, if I might respond briefly, I would say to the gentleman from Pennsylvania that that may be true. The gentleman says that is not the way the Interstate Highway System or the highway trust fund works.

I would submit to the gentleman that the highway trust fund then does not work at all. I know that I have a bridge that was build in 1929 that spans two rivers.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

(By unanimous consent, Mr. HARTNETT was allowed to proceed for 1 additional minute.)

Mr. HARTNETT. If I might continue my response to the gentleman, we have a bridge that was built in 1929, Mr. Chairman, that spans two rivers under which 65 naval vessels pass. The bridge will fall shortly, Mr. Chairman, because we have no money to replace it, because I guess the highway trust fund does not work properly, so I think we ought to rework the highway trust fund if that is not the way it works.

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

Mr. HARTNETT. I yield to the gentleman from Kentucky.

Mr. SNYDER. Has the gentleman looked into the bridge replacement program for any bridge over $10 million?

Mr. HARTNETT. I would say to the gentleman from Kentucky that we certainly have, but we have had no luck whatsoever, because those larger States that get the big allocations are taking the money from us smaller States.

Mr. SNYDER. Let me suggest that we have raised the discretionary money in this bill for the bridge replacement program from $200 million to $300 million.

Mr. HARTNETT. Three hundred million? I need $200 million to replace one bridge, so you really are not doing a whole lot for us.

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

Mr. Chairman, I will not take the full minutes allotted to me, but I think that a couple of misconceptions have been perhaps raised, if not by the speakers, I think they possibly could by implication from what has been said here today.

The question has been raised as to what effect this would have and the statement was made that this was going to come out of Massachusetts' share. I think every Member here should be aware of the fact that had this been in the highway system today, the share going to Massachusetts would have been larger and the share going to the other States would have been less because of the allocation formula; so I bring this up not for question of argument, but for a question that each Member should have this in mind when they do cast their votes. For people to say that it is just going to be a question of an effect on the people of Massachusetts and not on the people of the rest of the country is not correct, because in those years for those allocations where this becomes a part of the formula, it will have a profound effect upon the people of the rest of the country.

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

Mr. Chairman, there is no question but what we need to pass an interstate cost estimate. Several speakers have said that this particular amendment is not directed or is directed at a feature of the bill which was not part of the tie-up when last the ICE was tied up in conference, and yet I note that this item and the other items that at least were alleged to be a part of the problem are all in this bill, so we are going back into the same kind of a snake pit from which we have only recently emerged. It is as if the committee is longing for confrontation.

With respect to the amendment by the gentleman from New Hampshire, it makes ultimate good sense to me. It has been argued that since these are trust fund expenditures, we should not care about them at all, we have no worry about them. It seems to me that the responsibility of this Congress extends to see that every penny of taxpayers' dollars is spent wisely and well and that the best possible use is made of it.

I think there has been a good deal of evidence presented on this floor today that the expenditures required for this, whatever we call it, central project, is not wise use of the taxpayers' money; $1.7 billion for less than 2 miles of road, setting a precedent for a depressed highway, for beautification and sound reduction, the doubling of the size of the tunnel, at least as it was originally presented, does not strike me as being wise use of the taxpayers' money.

Now, naturally, if they want to build one of these in Minneapolis, I would stand up and cheer also, because we would be taxing the highway users of the United States to do something that would be useful to me.

I have often complained in Boston about the drive from the airport to the city, because clearly another tunnel is needed and I have often suggested that the good burghers of Boston should kick in enough money so that one could get from the airport to downtown.

□ 1730

I did not realize, however, that they were going to assess me and all of my taxpayers to build this wonderful four-lane tunnel which I am sure that some of us will have the opportunity of enjoying.

Mr. Chairman, if this committee really thought that they had something that was in the ICE for a long time, I wonder why they used the language "notwithstanding any other provision of law, policy and regulation and any interpretation thereof," as the preamble to the project eligibility for this item.

Clearly they are troubled by it. They have taken the most extreme legislative language possible to wipe out any shadow of a doubt. In my judgment, the doubt is not a shadow. It is clear and compelling doubt which leads me to believe that the amendment of the gentleman from New Hampshire should be overwhelmingly approved.

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

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 21, noes 42.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CARR

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

The Clerk read as follows:

Amendment offered by Mr. CARR: Section 131, delete subsection (c).

Mr. CARR. Mr. Chairman, I want to take this opportunity to thank the Public Works Committee for bringing forth a bill that strengthens the Buy America provision for bus purchases in the United States for local governments using Federal funds. The bill moves the percentage of the cost of all components of a bus that must be produced in the United States from 50 to 85 percent. This is a very valuable addition to our efforts to halt the exportation of jobs from the United States to foreign countries.

In the last few years, we have seen an explosion of foreign competitors locating new plants in the United States

to build buses. This has resulted in an incredible overcapacity in bus production in this country since the market for new buses is guided almost entirely by the level of Federal commitment to bus purchase in the annual appropriation for mass transit. Fortunately, we do have a way to mitigate the effects of unemployment caused by the location of foreign plants here. Existing law provides that buses purchased with Federal funds have 50 percent of the value of their components manufactured in the United States. Even this though has not prevented extreme havoc in the industry. We now have in this country the capacity to produce 15,000 buses per year. The market for new buses though, is only about 3,000 buses per year. The industry is reeling from dislocation caused by the entry of many new foreign companies.

Normally in our country, competition is a blessing that bestows good prices for consumer goods. In a market setting in which principally governments purchase the product, we instead see an erosion of quality and safety and an effort to purchase the cheapest foreign parts available. The past year has been one of revelation on the downward spiral of quality of bus manufacturing in the country. The current percentage has proven not to be sufficient and I commend the committee for the change it has proposed. As positive as this change is though, subsection (c) of this section is a blatant effort to assist certain foreign competitors at the expense of future foreign competitors and at the expense of domestic companies. My amendment would strike this poorly thought out provision.

Subsection (c) of this section sends the wrong signal to the companies that have already located here. It would allow them to escape the new provision for an 85-percent content level and grandfather in forever their right to use more foreign parts than their future competitors. I believe when we make a provision of this kind that all participants be allowed to play on a level playing field. This subsection would allow the dozen or so companies now in this country to have an advantage forever. Those companies who have located here recently are among those using the most foreign parts.

This could actually hurt the existing U.S. companies in that some of the foreign companies are engaged in the production of buses that American companies do not specialize in. We are in essence saying to those companies that they can continue to export the jobs of our existing American companies in the types of buses made by American companies but we are now going to exempt you from any more competition on your style of bus.

Given this plain example of favoring certain foreign companies over others and possibly over our own companies. I urge the House to strike subsection (c) and allow the Buy America provisions to affect every company equally. These provisions are too important to many workers in our country to start making exceptions, least of all for foreign companies.

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

Mr. Chairman, I rise in opposition to the amendment and support the committee's effort to increase the domestic content requirement in buses sold in America and bought with heavily subsidized public tax dollars.

The issue here is not the domestic content requirement. The issue here is the impact of the gentleman's amendment on existing producers in the United States.

Since his amendment would eliminate all those who do not have 85-percent domestic content in their buses as of the time the ink was dry on the bill from that market in the United States, it would have the effect of closing down five companies in America, eliminating all the jobs that those companies provide in the communities where they are located throughout the Nation. And indeed would limit competition to three companies, one of which is Grumman-Flxible, a company that has a record of great question at this time, the company that produced the buses that the New York Transit Authority has just permanently sidelined 851 of them.

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

Mrs. JOHNSON. I yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentlewoman for yielding.

Mr. Chairman, I would just like to correct for the record that it is no longer Grumman-Flxible. Grumman sold off the company a couple of years ago. There is now another company that owns it.

Mrs. JOHNSON. I accept the gentleman's comment. That is correct.

Nonetheless, one of the three competitors would be the successor company, the producer of a bus that had 18 safety-related recalls. The point that I am making is that by restricting the competition down to three companies, we are not doing the towns and cities of America any favor. Furthermore, and most important, we are eliminating the jobs, destroying the investment of five producers in the Nation.

□ 1740

In my own State, we will destroy an investment of $6 million that Connecticut worked very hard to attract, that our department of economic development lured into the State, got established, which now produces jobs, is on the verge of significant growth, and without forewarning, through a change in Federal policy, we will override and destroy a State development that has been cultivated with both tax dollars, subsidized loans to allow that original investment, but also through State policies that have been carefully calculated and developed in the light of Federal law. And to make this kind of dramatic change without a grandfather clause, without a time lag, would be most unfortunate, and the purpose of the amendment that was accepted by the committee was to assure fair notice and fair treatment of companies that made significant investments in America, are providing jobs in America, and are in fact all exceeding the existing content requirements of Federal policy.

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

Mrs. JOHNSON. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in opposition to the amendment. We worked very hard in our committee to make sure that the Buy America provisions were protected. I was the author of the original Buy America provisions in the Surface Transportation Act several years ago and the author of the amendment that placed a 50-percent component in. This bill moves that 50 percent up to 85 percent content, and all that we do in the grandfathering clause, which the gentleman from Michigan seeks to delete, is that we protect those companies that have moved to production as of July 1, 1984. All companies from outside the United States who might think about coming into the marketplace, who might think about investing in this country, would have to know that 85 percent of the content of those pieces of equipment would have to be American owned and built here in this country.

So it is really an effort to say that from the date of enactment of the legislation, or slightly before if it takes a few weeks longer, we anticipate that in fact very few companies would want to come and get into the bus market. We are pretty much grandfathering in those who have already made the sunk cost investment here in this country.

I think there are people at work in those companies today. I would probably agree with the gentleman from Michigan, if we could go back to 1970 and develop a strategy whereby we could give the domestic industry the edge and the component edge, that that would be probably the most appropriate way to go so that we keep American owned, American companies in the business of building buses and transit equipment.

The CHAIRMAN. The time of the gentlewoman from Connecticut (Mrs. JOHNSON) has expired.

(On request of Mr. EDGAR and by unanimous consent, Mrs. JOHNSON was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. But this basically represents the fact of life that there are a couple of companies that are foreign owned that are already constructing in this country. Most of their content is larger than the 50 percent that is in the present law, and all new companies will have to comply with the 85-percent provision.

Mr. CARR. Mr. Chairman will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman from Michigan.

Mr. CARR. If these foreign manufacturers manufacturing in the United States are already exceeding content, what is wrong with making them come up to the content requirement of 85 percent?

It seems to me that the grandfathering is really to slam the door after the horse is out of the barn. I understand the gentlewoman is concerned about the impact on jobs in Connecticut, just as I am concerned about the impact on jobs in Pontiac, Mich., and in Ohio and in other places. Why not make these foreign manufacturers who are using our tax dollars to sell buses to cities across the country, why should they not all have to come up to the same content requirement?

Mrs. JOHNSON. My understanding of the effect of the gentleman's amendment, as I have checked it out with counsel for the committee, is not that it would allow time for any companies to come up to the 85-percent requirement but that it would forbid companies who do not meet the 85-percent requirement as of the time the legislation goes into effect, which is when the President signs it, from selling on the American market. That would have the effect of destroying the investment, destroying the jobs that have been created in America and that are part of the vitality of our economy.

Mr. CARR. I would respond, if the gentlewoman will yield further, that there are enough axles manufacturers and brake drum manufacturers and engine and transmission manufacturers to supply these foreign assembly facilities throughout the United States with their parts. There is not going to be a shortage of American made parts to make the content whatever it needs to be, and we know that the Senate will have a bill, and it will take some time for the President to sign it. If the House passes a provision—and I understand the Senate is not likely to have a provision similar to this—there is going to be plenty of time for those manufacturers to work this out. And there are plenty of suppliers, many of whom are throughout the country and represented by all of us here who would like to——

Mrs. JOHNSON. If I may reclaim my time, I think the statement by the committee is very clear. We are supporting and affirming the importance of content, of American content, we are supporting 85 percent content. We are not willing—I certainly am not willing—to accept an amendment that would have the effect of destroying hundreds of jobs in this Nation and denying investment that people in good faith have made in accordance with American law and have, beyond the requirements of American policy, allowed 60 percent content.

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

It is with some regret that I rise to oppose the amendment offered by the gentleman from Michigan. You know, I am not unsympathetic to the motives of the gentleman from Pontiac and East Lansing. He wants to help protect the investment that has been made in his district and the jobs of the employees who work there. And that is legitimate. Who among us does not want to fight to protect local investment and local jobs?

But how about the investment and jobs in Connecticut, where Saab has invested $6 million and promised to employ as many as 300 Americans at a plant that is already producing prototype vehicles? Here is a company that wanted to play by the rules of the game and, just as importantly, wants to help revitalize a needy community and create 300 jobs, putting food on the tables of 300 families. Tell those 300 families in Connecticut that this amendment is a good one, or tell it to the families of those in east Los Angeles who work for Crown Coach. Crown Coach, an American firm, has entered into a joint venture with a foreign company that complies with Federal law. As a result, people are working in east Los Angeles. Should we put those people out of work? Should we put an American company out of business after they have made a good-faith effort to comply with the law?

This amendment will discourage foreign investments on our shores, and it certainly should be defeated.

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

Mr. Chairman, the amendment of the gentleman from Michigan is a perfect example of the truism that every time we try to protect a job we protect somebody else or maybe more than one somebody else out of another job. The committee was wrong to put in this domestic content rule in the first instance. It was wrong again to increase it in this particular bill. It will only increase consumer costs, probably have a good deal to do in an adverse way with the quality of equipment that we buy, and it will keep other Americans from having jobs of all kinds, including those in the district of the gentlewoman from Connecticut.

The gentlewoman from Connecticut says that she is all for domestic content as long as her people are protected. That is another great attitude: Pull up the gangplank, my crew is abroad.

But for every job in Connecticut that is going to be protected because she was able to get her provision in, there is going to be a job in some other State that is going to be lost. It may not be in the trucking business, in the business of building buses, it may be in some area where one of our trading partners refuses to buy from us because we have refused to buy their stuff which is of good quality and at the right price. We have here just a stunning example and symbol of the folly of trying to enact protective legislation to take care of our own selfish interests, which are perfectly normal and natural.

Obviously, the amendment should be defeated. The entire bill should be defeated as a bad act of protectionism.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan. I would also like to speak on behalf of the gentleman from Ohio (Mr. KASICH). I want to be honest and upfront about it, as other Members have been. We are talking essentially about jobs. Each of us is interested, and obligated really, to try to protect the interests of our own districts, and there is a conflict between the interests of existing manufacturers like those of the Flxible Co. in Ohio and General Motors in Michigan and those of new companies like Saab, like Volvo, good Swedish companies, who have been trying to get into the American market.

□ 1750

I would like to begin by quoting the committee report in the section where it explains why the committee is choosing to increase the American content from 50 to 85 percent. The committee says this:

> It has taken this action because of its concern that there is existing overcapacity in the rolling stock manufacturing industry. Further entrance into this market would exacerbate the problem of overcapacity and lead to a loss of further jobs in the domestic rolling stock industry.

Truer words were never spoken and they very much make the point of the amendment of the gentleman from Michigan. There is a signficant overcapacity problem in this industry. Currently there are about 11 essentially American manufacturers of buses, transit buses in this country. They

have a capacity of producing between 12 and 16,000 buses per year.

Yet, the number of orders from year to year hovers around 6,000, and that market is not likely to increase because this, unlike the private market, is almost entirely Government by subsidies, appropriations if you will, from the Federal Government. There are very few transit buses which are purchased which are not purchased without Federal tax funds; 75 to 80 percent of the cost of each bus comes from Federal funds.

So the demand will be hovering around 3,000, maybe less as we go into budget constraints. Yet, there already is the capacity for 12 to 16,000 buses per year from American companies. What the artful amendment that was put in the committee bill would do is essentially allow two new firms, Volvo and Saab, to enter into the market and add further to the overcapacity in this field. That really strikes me as strange that we would want to do that.

We are, essentially, transferring jobs. Volvo and Saab, I think there is not much dispute about it, are basically interested in importing engines, axles, transmissions from Sweden and assembling them here. That does provide some jobs for American citizens; there is no doubt about it. There is some gain of jobs in Connecticut, some gain of jobs in Virginia, but there has to be a concomitant loss of jobs in Ohio and Michigan and Colorado and other States where American companies are trying to operate.

If the committee language, if the amendment of the gentleman from Michigan is not adopted, we will essentially be supporting two companies which are foreign owned, which will assemble buses in the United States with perhaps 50 percent American content. We will be doing that at the expense of American companies which are assembling buses with 100-percent American content. It just does not make sense.

Is there a lack of capacity in the United States for building transit buses in the United States?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PEASE) has expired.

(By unanimous consent, Mr. PEASE was allowed to proceed for 1 additional minute.)

The answer is clearly "No." There is not; there is a vast overcapacity. Is there a lack of competition? Obviously not, there is very, very keen competition. So I really question why we as representatives of American workers concerned about the jobs of Americans are trying to open up the market even further to foreign firms who will provide at best jobs for half as many people as those of the American companies.

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

Mr. Chairman, what we have here in the debate about this amendment, is not a debate about the importance of a Buy America provision. I certainly support what is in the current act and what is in this bill, to expand the content requirement for these buses which are bought with public funds. I think the content requirements are a good way for us to deal with the problem of the export of American jobs.

What we are dealing with here is a fairness in the way in which we implement changes in the rules under we are operating. We are also sending a message in the way in which we do this to foreign manufacturers if we want them to rely on the rules that we promulgate, do we want them to come into this country and be able to rely on our rules to be applied fairly.

Just less than 2 years ago, we imposed a 50-percent domestic content requirement, and in reliance on that requirement, new facilities were developed in this country. In particularly, in my district in Connecticut, Saab began a $10 million investment which is going to lead to 300 jobs. That facility is a new facility which has been bought and turned to this use which is already producing buses and which already is employing many workers and will employ many workers in the future.

They did that because they relied on the 50-percent content rule; it induced them to come and put a facility here in this country, in my district, and it is creating jobs. Are we going to send the signal that when people do that and follow the lead that we are trying to set coming into this country, bring the jobs here, bring the production here, that we are all of a sudden going to slam the door, and say, oh, we really did not mean it, we did not want you to come, all of your investments now are going to be lost. Go ahead and forget this facility.

It is important to note that the grandfather clause is very narrow; what it says is that expansion at this facility, production at this facility, will be under the old 50-percent rule. If these companies move elsewhere, expand to new facilities elsewhere in the country, they will be covered by the 85-percent rule. But we will have them here producing in this country, working in this market, and there will be incentives for them to expand and also produce 85-percent content plans.

The point is that these new plants promote competition, and competition is a good thing. They promote American jobs, and that is a good thing. But when we move and change the rules, we have to take account of decisions that have already been made under the old rules. We need the jobs here, and we need a set of rules that will continue the progress that we are making in bringing foreign manufacturers to do their work here and to employ Americans.

What we are doing here will have an effect on private use of these buses as well, and it will mean that more of the buses that are sold in the small, but significant, private market also will have more likelihood of having content, here made in the United States.

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

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. CARR. I understand all of what the gentleman has said and I admire and honor his advocacy for his area. But would not the gentleman concede that the jobs that are being created in your area are at the direct expense of jobs in my area, and that we are just moving jobs around America?

We have this tremendous overcapacity which the gentleman seems to want to ignore, and I understand why he would want to do so, he is a good friend of mine.

Mr. MORRISON of Connecticut. I would say that I do not want to ignore the problem, but there are several things that the gentleman's analysis ignores. That is, with the competition the pricing of this equipment also will vary and will be lower if there is more competition. The fact is that how many jobs there will be will depend on how many buses will be bought.

The number of buses bought will depend on the price that is involved here as well as other factors.

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

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. SNYDER. My understanding is from the committee deliberations, that we wanted to raise the domestic content from 50 to 85 percent, but that a couple of places, including the gentleman's district, that based upon the existing 50-percent law, people had come in and invested, in your case, I believe, the figure was over $6 million, in a facility, the prototype of which had been produced, but not production line, and that it would be extremely unfair to change from 50 to 85 when those people had operated on the basis of the 50, come in and invested $6 million. That is the reason we put this problem in here.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MORRISON) has expired.

(By unanimous consent, Mr. MORRISON of Connecticut was allowed to proceed for 1 additional minute.)

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

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. SNYDER. That is the reason why this amendment ought to be de-

feated, just out of plain fairness. I am for 85 percent. I am for 100 percent, as a matter of fact, but the truth of the matter is when we let the people make a $6 million investment based on the 50 percent, we ought to honor that commitment.

Mr. MORRISON of Connecticut. I think that is exactly right, the gentleman is correct, and the amendment should be defeated.

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

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. CARR. I thank the gentleman for yielding.

I would say that I want to be fair to my colleague, but I wish he would be as equally fair with the unemployed bus workers in Pontiac, Mich.; he wants to ignore that one.

□ 1800

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

Mr. Chairman, I rise to support the amendment. I will be very brief, and I do not intend to take the full 5 minutes. I will just make a couple points.

First of all, the argument has been raised that this is going to save us money if we permit the foreign sources to compete in this very limited market. I say it is grossly unfair to allow them to do this because there is evidence that they are producing buses at a cost that is without question subsidized by their governments.

At the same time, while they are producing these supposed low-cost buses, we must remember that we will have to order high-priced spare parts from these foreign countries. This means that the actual cost of these buses, over the long term, will be far greater than it appears initially. I know the gentleman from Ohio (Mr. PEASE) will agree with me on this point, as we have reviewed this data together.

One other thing: The domestic bus industry in this country was forced, because of regulations that were established by our Federal Government, to retool, which dramatically increased the cost of the buses produced domestically. At the same time, foreign governments did not have to comply. That is another reason that accounts for the ability of the foreign governments to produce buses at lower rates. It is inherently unfair for this Government to impose costs on the domestic bus industry which drive up their prices and makes them noncompetitive.

Let me summarize. First, we have foreign governments that are already targeting this industry in an attempt to destroy the domestic industry; second, there is a limited marketplace; third, we are using public money; fourth, the cost over the long run will probably be cheaper if we go with our own people; and fifth, that the U.S. Government has established regulations that have been counterproductive for our domestic bus industry.

I think there are a lot of reasons to support the amendment.

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

Mr. KASICH. I would be glad to yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman brought up the point of spare parts being more expensive, costing the taxpayers more in the long run. In one recent actual bid, an American company, for spare parts, that lost the bid for the main buses, on spare parts for fuel pumps bid $63, and the foreign competition bid $254 for the same spare part. For engine gasket sets, $86 for the American company, and $344.

It reminds me a great deal of the discussion we had last week about the Navy buying $7 hammers for $400-some. So the taxpayers are going to pay in the end, and there is predatory pricing on the part of foreign manufacturers.

Mr. KASICH. I appreciate the gentleman's contribution.

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

Mr. KASICH. I will be glad to yield to the gentleman from Virginia.

Mr. SISISKY. I thank the gentleman for yielding.

Mr. Chairman, what happened to the competition in this country? Is the gentleman saying that if the parts are higher on foreign buses, that the American bus manufacturers will not tell the communities when they buy? They would be terrible salesmen if they did not. They would go arm in arm with all the material to tell them.

Mr. KASICH. If I may reclaim my time very quickly, the problem is this: Where are you going to obtain a spare part for a bus, that to a large degree has components that are produced directly or indirectly overseas? When it comes time to buy spare parts, like you do on your Datsun, you end up going to a foreign producer in order to buy those parts and you are essentially locked in.

I appreciate the point the gentleman is making, but I think the problem is that we have a limited marketplace. No. 2, we are using exclusively, totally, public dollars in order to run our bus system; and No. 3, with the regulations that our own Government has imposed on our companies, but which do not apply to their foreign competition, the simple fact of the matter is, these foreign governments are attempting to target this industry. They are producing buses at levels that no one can produce them for in this country.

It is a clear effort to destroy our domestic bus industry. I do not have any objection to foreign governments wanting to compete. But they are not competing fairly. They are subsidizing their buses at a level that we could not in any way, shape, or form in this country produce here. Trade is a major issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CARR).

The amendment was rejected.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. VUCANOVICH: Page 58, after line 5, insert the following:

4R PROJECTS FOR PRIMARY HIGHWAYS DESIGNATED AS PART OF THE INTERSTATE SYSTEM

SEC. 141. (a) The last sentence of section 139(a) and the fourth sentence of section 139(b) of title 23, United States Code, are each amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

(b) Subsection (a) of section 119 of title 23, United States Code, is amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mrs. VUCANOVICH. Mr. Chairman, this amendment is a simple request for an extension of the eligibility period for States to utilize 4R funds for section 139 interstate designation projects. I am seeking to extend the eligibility date from March 9, 1984, which was the previous cutoff date from the last interstate cost estimate, until the date of enactment of H.R. 5504.

As the Public Works and Transportation Committee is aware, the Federal Highway Administration has approved the Nevada DOT's request for a 139(b) designation for a 16-mile segment known as the S-Line U.S. 395 corridor between Reno and Carson City, Nev. The approval of this request is necessary to allow Nevada, and other States in similar situations, the flexibility needed to use what limited funding it receives for the completion of this long-overdue highway construction project.

I would like to emphasize that States will not receive an additional allocation of 4R funds as a result of this amendment, but they will have additional flexibility in the use of what limited funds they do now receive from the Federal Government.

This is not new language. I am simply extending the eligibility date

for States such as Nevada which failed to meet the previous cutoff date.

Furthermore, I would like to emphasize that minimum apportionment States such as Nevada are already so short of highway construction funds that the additional flexibility provided through this amendment is reasonable public policy, and considering the precedent for such eligibility, find this to be a straightforward and noncontroversial request.

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

Mrs. VUCANOVICH. I am very happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentlewoman for yielding.

Mr. Chairman, we have examined this amendment on this side, and we accept it.

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

Mrs. VUCANOVICH. I am happy to yield to the gentleman from California.

Mr. ANDERSON. I thank the gentlewoman for yielding.

Mr. Chairman, we have examined the gentlewoman's amendment, and we accept it.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Mrs. VUCANOVICH).

The amendment was agreed to.

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

Mr. Chairman, I would like to engage my colleague, the gentlewoman from Illinois (Mrs. MARTIN) and the chairman and ranking member of the subcommittee in a colloquy regarding the replacement of the functionally and structurally obsolete U.S. 52 bridge over the Mississippi River between Sabula, Iowa, and Savanna, Ill.

The Iowa Department of Transportation currently has an application pending for $12,050,000 in discretionary bridge funds for the replacement of the existing bridge which was constructed in 1933 and, due to its deteriorated condition is severely restricted in the amount of weight allowed to pass over the span. It is substandard both functionally and structurally, and meets every qualification for discretionary funding including a rating factor of less than 20.

The road network linked by this crossing provides primary service to the important Department of Defense installation at Savanna, provides an important regional crossing of this major geographic barrier, serves the U.S. Corps of Engineers in the management of the river and is projected to become an important link in the road network designated in accordance with the 1982 Surface Transportation Act to serve wider and longer commercial vehicles.

I would hope that this project would receive a high priority under the discretionary bridge program.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to my colleague, the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. I thank the gentleman for yielding.

I would like to associate myself with the remarks of the gentleman from Iowa. I have the privilege of representing Savanna, Ill., and am very aware of the importance of this bridge replacement to the area and to both States. This bridge is a relatively low-cost replacement that will yield both immediate and extended economic and social benefits to both States.

I, therefore, join with my colleague from Iowa in urging that priority be given to the pending application for discretionary bridge funds.

□ 1810

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

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

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding, and I commend the gentleman and the gentlewoman for bringing this issue to the committee's attention.

I know that the bridge is a major problem for the area, and I join with them in calling upon the Federal Highway Administration to give this project high priority consideration.

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

Mr. TAUKE. I yield to the distinguished gentleman from California.

Mr. ANDERSON. Mr. Chairman, I associate myself with the remarks of the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. TAUKE. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. HOYER

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

The Clerk read as follows:

Amendment offered by Mr. HOYER: Page 58, after line 5, insert the following:

RELEASE OF CONDITION RELATING TO CONVEYANCE OF CERTAIN HIGHWAY

SEC. 141. Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the state of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

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

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

There was no objection.

Mr. HOYER. Mr. Chairman, I believe that this amendment is noncontroversial. I believe we have checked with both sides, and there is no disagreement on its objectives.

Essentially, what it does is this: In 1970 an amendment was adopted which required the transfer of the Baltimore-Washington Parkway to the State of Maryland as a condition precedent to the improvement of that parkway. Since that time, particularly in the last 18 months, there have been discussions between the Federal Highway Administration, the Park Service, and the State of Maryland which have resulted in an agreement, which results in the Federal Government retaining ownership of that parkway.

As as result, this language is necessary to strike from the 1970 authorization the conditional language requiring the transfer to the State of Maryland.

The CHAIRMAN. Without objection, the amendment is agreed to.

Mr. SHUSTER. Mr. Chairman, we do not agree at this point. We are trying to understand the amendment. We have just seen it in the last 30 seconds.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. PEASE

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

The Clerk read as follows:

Amendment offered by Mr. PEASE: Page 52, after line 9, insert the following new paragraph:

(d) The Administrator of the Urban Mass Transportation Administration shall issue binding regulations requiring a pre-bid and post-delivery audit of any grant of funds under the Urban Mass Transportation Act of 1964 for the purchase of buses to assure that mandated safety and Buy America requirements are achieved. In issuing these regulations, manufacturer certification shall not be sufficient. Independent surveillance and auditing shall be required.

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

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

There was no objection.

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

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

Mr. ANDERSON. Mr. Chairman, we have looked at this amendment, and we are willing to accept it.

Mr. PEASE. Mr. Chairman, I thank the subcommittee chairman for that graciousness.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be recognized?

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

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

Mr. FRENZEL. Mr. Chairman, I did not object to dispensing with reading the amendment, although I thought we might hear what it is, and notwithstanding the majority's affection for it, I wonder if the gentleman would explain it.

The CHAIRMAN. The gentleman from Ohio (Mr. PEASE) will proceed.

Mr. PEASE. Mr. Chairman, I appreciate the gentleman's question, and I am happy to explain it.

A few minutes ago, in rejecting the amendment offered by the gentleman from Michigan, we established that bus manufacturers will have a "Buy American" requirement of 50 percent if they are in business currently. This amendment seeks solely to insure that the companies, all companies, do meet the 50-percent requirement. It simply requires an audit of each bid by UMTA or by the contracting agency to make sure that the requirement is indeed met.

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

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

Mr. SHUSTER. Mr. Chairman, we have inspected this amendment. We believe it is a good amendment, and we support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. PEASE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I have an amendment which is still at the desk, and I again offer that amendment.

The CHAIRMAN. The Chair will inquire, does the gentleman desire to have it re-reported?

Mr. HOYER. No, Mr. Chairman. I ask unanimous consent that the reading of the amendment be dispensed with.

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

Mr. FRENZEL. Mr. Chairman, reserving the right to object, we are dancing along swiftly here, and it would be nice if the Members who have not participated in the side caucuses had a little idea of what is going on. We just passed an amendment of which perhaps a half dozen Members were aware. I am certainly not one of those that were.

Mr. Chairman, I would hope that we would get a full explanation from the gentleman from Maryland.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. HOYER: Page 58, after line 5, insert the following:

RELEASE OF CONDITION RELATING TO CONVEYANCE OF CERTAIN HIGHWAY

SEC. 141. Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes in support of his amendment.

Mr. HOYER. Mr. Chairman, I did explain this amendment about 3 minutes ago, but just to reiterate briefly, all this language does—it does not appropriate any money—it removes the condition precedent to funding of further parkway improvements that are transferred to the State of Maryland. This is in line with the agreement among the Federal Highway Administration, the Park Service, and the State of Maryland.

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

Mr HOYER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment. No money is involved, and we support it.

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

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

Mr. ANDERSON. Mr. Chairman, we have examined the amendment, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. HOYER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARKIN

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

The Clerk read as follows:

Amendment offered by Mr. HARKIN: Page 58, after line 5, insert the following:

BRIDGE NAMING

SEC. 141. The bridge crossing the Mississippi River on Interstate route I-80 near Le Claire, Iowa, shall hereafter be known and designated as the "Fred Schwengel Bridge". Any law, regulation, document, or record of the United States in which such bridge is referred to shall be held to refer to such bridge as the "Fred Schwengel Bridge".

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

Mr. HARKIN. I will yield in 1 minute, but let me proceed first.

Mr. Chairman, Fred Schwengel has served the people of Iowa and the American people for many years. Fred was a well-respected legislator for 10 years in the Iowa Legislature and then a Member of the U.S. Congress for 16 years, from the First District of Iowa. During Fred's time in Congress, he served on the Public Works Committee and was a strong supporter of the development of the Interstate Highway System. When the Interstate Highway System was begun during the Eisenhower administration, Fred called the system "the greatest public works project to take place in the world." The bill before us today is a testament to the work of Fred and his colleagues. The bridge on Interstate 80 has special significance for Fred. He worked hard to see that the interstate crossed the Mississippi at Le Claire, Iowa. Why Le Claire? Because Fred thought the project through and figures that Le Claire was the most sensible place for it to go.

Besides serving his Iowa constituents for those many years, Fred also became known for his work for the U.S. Capitol Historical Society. Shortly after arriving in Washington, Fred noted that there was no group dedicated to studying and preserving the significant history of the Capitol Building and the work of Congress. So he, along with former Speakers of the House, formed the U.S. Capitol Society in 1962. Fred was elected the society's first president, and Hubert Humphrey was the society's vice president. Fred has guided the organization since then.

Fred's commitment to the Capitol Historical Society stems from his belief in the importance of studying history. This belief was instilled in him by his meeting with Harry Truman back in Kirksville, Mo. Mr. Truman said to him at that time, "If you want to be a good citizen, you must know your American history." Fred has never forgotten that message, and it guided him in raising the society to the respected position it has today.

Fred's dedication to the wondrous history and artwork of the Capitol has enriched us all. The society has grown by word of mouth and now has 8,000 members, including all Members of Congress, who are honorary members. I am sure all of us are proud of the fine publications of the society. The historical guidebook, "We the People," was developed by the National Geographic in conjunction with Fred

Schwengel. More than 5 million copies of this wonderful book have been distributed. I am sure my colleagues are also familiar with the very popular U.S. Capitol Historical Society calendar, which features a historical notation for each day of the year. This calendar is often used by teachers in their classrooms, thus an excellent vehicle for Fred's message of the importance of U.S. history. Finally, I'm sure we have all marveled at the beautiful murals of some corridors of the Capitol. The society, under Fred's leadership, sponsored the great artist Allyn Cox to paint the murals on the front corridor of the House wing. Unfortunately, Mr. Cox died recently. His work, however, will be carried on by his assistant.

Mr. Chairman, I urge my colleagues to join me in honoring this dedicated public servant, preserver of the Capitol, history student, art lover, and friend of all who love and cherish freedom and democracy.

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

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

Mr. ANDERSON. Mr. Chairman, when the gentleman from Iowa first approached me, I told him I thought it was a great idea but that my committee did not have jurisdiction, so I referred him to the chairman of the Subcommittee on Public Buildings and Grounds. He talked to me, and he has no objection. So we then brought it up before our committee the other day, or a group of us discussed it on this side. We have no objection to the amendment, although we have not done this before.

I think it is a good idea. Fred Schwengel was a Member of this House and a member of our committee and did a great deal on this bridge. I think it is a good idea, and I support the amendment.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, we accept the amendment on this side.

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

Mr. HARKIN. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, let me just say this: This is an unusual procedure. We have not been in the practice of naming bridges at the Federal level, but I was pleased to know Fred Schwengel.

When I came to Congress, he was here. We had sort of a parallel political life for a while. We both lost in 1964 and came back in 1966.

I do not know offhand of any individual around here to whom we owe more than we do to Fred. He was a very distinguished member of our committee.

But more than that, as the president of the Capitol Historical Society, he is responsible for all the artwork in the halls and for raising the money for it. I happen to have been privy a little bit to that. I know of his interest in the Capitol, in the Capitol Building, and of the history he knows.

I do not know whether any of you ever went with Fred to see the old original air-conditioning system. We climbed down metal ladders and walked out underneath the lawns here and in these big tunnels where they had the fans that blew up here.

Mr. Chairman, this guy is just great, and I think it is a tribute to a great man. I commend the gentleman for offering the amendment.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from the First District of Iowa.

Mr. LEACH of Iowa. Mr. Chairman, as the Representative of the district that Fred used to represent, let me just stress that this will be well received by the people of Iowa.

As we all know, Fred is an individual who has made a unique contribution to his committee and to the Congress, but I think he stands out as the single person who has ever served in this body that has loved the history of the Capitol and the history of this House of Representatives more than any other single person. If this is groundbreaking, I think it is very appropriate groundbreaking.

Mr. HARKIN. Mr. Chairman, I thank my colleague, the gentleman from Iowa.

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

Mr. HARKIN. I yield to my distinguished colleague, the gentleman from the Second District of Iowa.

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

Mr. Chairman, I support the amendment.

Mr. Chairman, Fred Schwengel is the epitome of the best Iowa has to offer. After a distinguished career in the House of Representatives, Fred dedicated himself to promoting the rich heritage of our Capitol Building and the institutions in which we are privileged to serve. Through Fred's diligent efforts, the Capitol Historical Society has enriched the lives of millions of people. Naming the Interstate 80 bridge at LeClaire, Iowa, in honor of Fred Schwengel is, I believe a very fitting tribute to this generous and admirable man. I join my colleagues from Iowa in saluting Fred, and urge Members of the House to support this amendment.

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

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

Mr. FRENZEL. Mr. Chairman, I support the amendment. I yield to nobody in my affection for Fred Schwengel.

Mr. Chairman, I am delighted to support the inspired amendment of the gentleman from Iowa to name the Le Claire Bridge for our distinguished ex-colleague, Fred Schwengel.

Fred, a longtime Member of the House, is best known as the guiding spirit of the Capitol Historical Society. It is, in fact, accurate to say that Fred is the Society.

No one I know loves this building and this House as Fred Schwengel does. Nobody knows it better. And nobody shares that knowledge and love as much as he.

To be guided through the Capitol by Fred is to take a trip through history with the best possible escort. He knows every block of marble or granite, every picture, every stairway and room by its middle name.

But it is not only his knowledge of this building that makes him a national treasure. It is also his ability to transfer that knowledge in a vital way that makes the Capitol come to life.

His work with the Historical Society should not obscure his splendid achievements as a Member of this House and a Representative of the great State of Iowa. Fred was a great friend and willing counselor to every Member. Ever since I have been in Washington, I have taken regular advantage of his experience, advice, and his friendship. I can best describe him as the kind of person who I would want to represent me.

This short presentation does not begin to express the admiration and affection for Fred Schwengel. I am absolutely delighted that this House has chosen to confer upon him the signal honor. He richly deserves it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The amendment was agreed to.

□ 1820

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. BREAUX

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

The Clerk read as follows:

Amendment offered by Mr. BREAUX: Page 58, after line 5, insert the following:

RELOCATION REQUIREMENTS

SEC. 141. Section 109 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(p) The Secretary shall not approve any project under this title unless the State agrees that, in connection with the operation, maintenance, or construction of the project, the State will not displace a structure or structures owned by any person, partnership, or corporation that provides rent to the State in consideration for the occupancy of such a structure or structures unless (1) such displacement is directly necessitated by the operation, maintenance, or construction of such project, (2) the owner of such structure or structures receives relocation assistance in an amount at least equal to the amount that such owner would have received pursuant to the Uniform Re-

location Assistance Act (42 U.S.C. 4601 et seq.) if the owner were a 'displaced person' as provided by that Act, or (3) such displacement is expressly authorized by State statute and is in accordance with the terms of the rental agreement.".

Mr. BREAUX (during the reading). Mr. Chairman, I have three amendments that deal basically with the same subject matter. I would ask unanimous consent that the amendments to titles I, II, and III, dealing with this subject, be brought up at the same time.

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

Mr. SHAW. Reserving the right to object, Mr. Chairman, I have an amendment prepared in accordance with the original amendments as prepared, amendments to the amendments.

I think that offering them in bulk is going to create a problem as to the drafting. Two of the amendments that the gentleman from Louisiana has are quite similar and I think possibly we could tier the amendments so that they could be handled in bulk.

Mr. BREAUX. Let me say to the gentleman, if it creates a parliamentary problem, just trying to smooth it out, I have no objection to offering the first two amendments en bloc which deal with the same subject. I would take it that any amendment the gentleman has would be amenable to both those amendments.

Mr. SHAW. Further reserving the right to object, Mr. Speaker, I believe I would have to maintain my objection.

The CHAIRMAN. Objection is heard.

The Clerk will continue reading the amendment.

The Clerk continued the reading of the amendment.

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

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

There was no objection.

Mr. BREAUX. Mr. Chairman, I would say that what we are trying to do by this amendment is pretty clearly stated in the amendment. It says any time a State displaces a structure or structures that are owned by any person that is in turn providing rent in payments to the State that the State has the right to terminate that structure in that area if the termination of that structure is needed for the construction of the project.

The amendment says that if such displacement is directly necessitated by the operation, the maintenance or construction of said highway, well, then, the State certainly has the right to terminate that structure immediately.

The second category is that if it is not needed, the State could still terminate that structure in that area if the owner of the structure receives relocation assistance and that relocation assistance according to the amendment would be in the same amount that the owner would have received pursuant to the Uniform Relocation Assistance Act.

If we move a person who owns a house or anything else that is needed for the purpose of constructing a highway, they have to be moved and the person has to be paid relocation assistance.

This language in this amendment would say that any person owning a structure that is paying rent to the State would also have the same rights under this particular act.

What we really are trying to address is a situation that has been brought to the attention of the committee that when someone in a highway department or in a highway commission in a particular State just rather arbitrarily and capriciously comes in and makes a determination that they do not want a particular structure, whether it be a building, whether it be a billboard, whether it be an advertising structure or any other type of structure that he decides should not be part of that particular right of way and arbitrarily orders that it be removed.

We think that the State should be encouraged to receive income coming from areas if it can help offset the need for Federal funds.

We do not think it is appropriate and proper just to arbitrarily refuse to receive those rental incomes for whatever reason.

Now, my amendment further says that if a State has an express statute or express law on the books in that State that provides for this type of removal, why that is fine, but what we are really trying to get at is the arbitrary and capricious nature of some people who may decide, for whatever reason, that they think it is important to have the structures removed. They can still remove them, but they have to do it pursuant to State statute and they have to do it pursuant to paying the owner the same type of compensation that they would be able to receive under the existing Uniform Relocation Assistance Act.

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

Mr. BREAUX. I would yield to my colleague.

Mr. SHUSTER. Mr. Chairman, I have examined this amendment and I support it.

Mr. BREAUX. I would further say, Mr. Chairman, that what we are trying to do is simply say that States should be encouraged to receive rental property and income when they can from legitimate business functions. If the State has a statute on the books or it is the express policy of the State, why then, fine, we have no problems with them acting pursuant to that statute and ordering these structures rather arbitrarily removed, if it is the policy of the State.

I do not think it is fair, however, to let one individual who might have the authority to act in the purpose of being a highway commissioner or what have you to go in and arbitrarily take this type of action.

This amendment, I think, would protect that and yet still allow the State to take action pursuant to State statute or State law.

AMENDMENT OFFERED BY MR. SHAW AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BREAUX

Mr. SHAW. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAW as a substitute for the amendment offered by Mr. BREAUX: In lieu of the matter to be inserted by the Breaux amendment insert the following:

"(p) The Secretary shall not approve any project under this title unless the State agrees that, in connection with the operation, maintenance or construction of the project, the state will not displace a structure or structures owned by any person, partnership, or corporation that provides rent to the State in consideration for the occupancy of such a structure or structures unless (1) such displacement is directly necessitated by the operation, maintenance, or construction of such project, (2) the owner of such structure or structures receives relocation assistance in an amount at least equal to the amount that such owner would have received pursuant to the Uniform Relocation Assistance Act (42 U.S.C. 4601 et seq) if the owner were a displaced person as provided by that Act, or (3) such displacement is in accordance with the terms of the rental agreement".

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

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

There was no objection.

Mr. SHAW. Mr. Chairman, I will be brief.

My amendment in the way of a substitute is exactly that offered by the gentleman from Louisiana, with one exception, and I think one very important exception.

In the last provision contained in the substitute it makes the further exception, "Should such displacement be in accordance with the terms of the rental agreement."

What the amendment before us would do would actually emasculate a State from enforcing the terms of its rental contract. In many instances, bus benches, signs within mass transportation buildings, as we will be get-

ting to in the next amendment, signs on the side of the road that might be on State property, cannot be removed from the State without compensation even if the rental agreement or even if the provisions of such an agreement specifically provide that the State can remove them. The State would be required by the amendment to pay relocation costs despite the fact that the State may have reserved that exact right to itself.

Now the gentleman from Louisiana has pointed up a situation where there have been abuses and I am sure there are, but I would point out to the House that the abuses would be far greater if we were to say that despite the fact that the State may have provided in its rental agreement that the advertising structure or whatever was there at the will of the State, they would still be required to have to pay relocation costs. This is clearly wrong. This would be in direct contradiction of their agreement and I believe that what we are doing would to a great extent preserve every word of the gentleman's amendment, except it would add an additional exception that if such displacement is in accordance with the terms of the rental agreement, that it would be fitting and proper for the State to exercise those existing rights.

We cannot take those rights away from the State just because we have found a situation where there has been a disagreement or perhaps even misconduct on behalf of an elected official.

Mr. BREAUX. Mr. Chairman, I rise in opposition to the amendment to my amendment.

Just very briefly, what we are trying to do, I think, in this amendment is really emasculated by the gentleman from Florida.

The only thing we are trying to say is that if a State official who is in charge of highways or what have you wants to displace signs or structures or any type of material on their State right of ways, of course, he has to honor the terms of their agreement, but he also has to act pursuant to a State statute that happens to be the law of the State. If the State has a statute on the books that provides for this type of removal of these structures, it would have no problem operating under this amendment to go ahead and remove those structures.

I am concerned about the situation where we have a State highway commissioner who may want to come in and just arbitrarily never renew lease agreements or arbitrarily remove people from areas that they are legally paying rents to the State.

□ 1830

We should be encouraging States to try and receive rental income from these type of structures and it could very possibly reduce the amount of Federal burden going to the States.

So I think what we are saying in my amendment is fair. It says that the State has a State statute on the books that allows for this type of operation and that they should be able to act accordingly and certainly they always have to follow the terms of their agreement.

But I think what the gentleman from Florida's amendment does is really gut my amendment and we ought to be fair about it. I think my amendment does that.

It is supported by the ranking minority member and I think it has been looked at and it makes a great deal of sense. I would ask for defeat of the substitute amendment and adoption of my amendment.

Mr. SHAW. Will the gentleman yield?

Mr. BREAUX. I will be glad to yield.

Mr. SHAW. Under the original amendment that has been set forth it would be my interpretation that should a State decide by way of public policy that it did not want to advertise certain types of goods or certain types of services that they would not be able to remove those signs unless they paid compensation. Do you agree?

Mr. BREAUX. Let me respond to the gentleman this way: What we are trying to do is prevent one person from setting the policy of the State. If that is the policy of the State it would be included presumably in a State statute reflecting the will of the State.

I am concerned when one individual can make a determination that that in his opinion is a policy of the State when it is not reflected in a State statute.

The only thing we are saying is if it is reflected in the State statute, fine, we have no problem. I just do not want one person to be able to make, in his opinion, what is the policy for a particular State.

Mr. SHAW. If the gentleman would further yield for an additional question, I do not know of any State that addresses this particular question by way of statute.

I think what we are doing here is forcing the State perhaps to even have a specific statute as to every obstruction that you are referring to to be removed.

Mr. BREAUX. It certainly would not do that and, as the author of the amendment, the intent is to say that they do not have to have a specific statute for every type of structure or every type of sign. The only thing they would have to have is a State statute that provides for a system of displacement of structures in general.

If they do that, they would then clearly qualify under my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SHAW) as a substitute for the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The question was taken, and on a division (demanded by Mr. SHAW) there were—ayes 2, noes 36.

So the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The amendment was agreed to.

Are there further amendments to title I?

If not, the Clerk will designate title II.

Title II reads as follows:

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Federal Mass Transportation Act of 1984".

LETTERS OF INTENT; MULTI-YEAR CONTRACTS

SEC. 202. (a) Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(4)(A) Subject to the provisions of this paragraph, the Secretary may enter into a multi-year contract with an applicant to carry out a project under this section if, at least 30 days before such contract becomes effective, the Secretary notifies, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such contract and submits a summary and copy of such contract to such committees.

"(B) Subject to the provisions of subparagraph (C) and subsection (i) of this section, if the Secretary and an applicant enter into a multi-year contract to carry out a project, such contract shall be, on and after the date of entry into such contract, a contractual obligation of the Federal Government for the payment of its proportional contribution of the cost of the project in any fiscal year (including any future fiscal year) for which funds are authorized to be appropriated out of the Mass Transit Account of the Highway Trust Fund to carry out this section.

"(C) The total amount which the Secretary may obligate for any fiscal year (including any future fiscal year) under all multi-year contracts entered into under this paragraph shall not exceed the amount authorized to be appropriated out of the Mass Transit Account of the Highway Trust Fund to carry out this section for such fiscal year, less an amount reasonably estimated by the Secretary to be necessary for grants under this section which are not covered by a multi-year contract.

"(D) The amount stipulated in a multi-year contract to carry out a fixed guideway project shall be sufficient to complete an operable segment.

"(E) Notwithstanding any other provision of law, a multi-year contract entered into under this paragraph shall not be subject to (i) any future availability of funds for obligation, except as provided in subparagraph (C), subsection (i) of this section, and section 9503(e)(4) of the Internal Revenue Code of 1954, and (ii) any obligation limitation, except an obligation limitation imposed by section 21(a)(2)(G).

"(F) Any obligation limitation imposed by section 21(a)(2)(G) for any fiscal year shall

apply with respect to a multi-year contract entered into under this paragraph only to funds expended under such contract in such fiscal year.".

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1984, and shall not affect any letter of intent issued before such date.

APPROVAL OF FUNDING LEVELS AND ALLOCATIONS OF FUNDS

SEC. 203. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(i)(1) As soon as practicable after the date of enactment of this subsection and not later than July 1, 1985, and each July 1 thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

"(A) a proposal of the total amount of funds which should be made available under section 21(a)(2)(C)(iv) of this Act to finance for the fiscal year beginning on October 1 of such year grants and loans for each of the following:

"(i) the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities,

"(ii) rail modernization, and

"(iii) construction of new fixed guideway systems and extensions to fixed guideway systems;

"(B) a proposal of the allocation of the funds to be made available (including any funds proposed to be made available pursuant to clauses (ii) and (iii) of subparagraph (A)) for such fiscal year to finance grants and loans for rail modernization and for construction of new fixed guideway systems and extensions to fixed guideway systems among applicants for such assistance.

Such proposals shall reflect obligations made for each fiscal year under multi-year contracts entered into under subsection (a)(4) of this section.

"(2) Notwithstanding any other provision of this section, no funds may be made available to finance grants and loans under this section for any fiscal year beginning after September 30, 1985, until a proposal transmitted by the Secretary under this subsection for such year (including any revisions thereof) is approved by law.

"(3) Upon approval by law of a proposal transmitted under this subsection for any fiscal year beginning after September 30, 1985, the Secretary shall make the amount of funds approved under this subsection available for obligation for such fiscal year and shall allocate the funds for such fiscal year in accordance with the allocations approved under this subsection.".

ADVANCE CONSTRUCTION

SEC. 204. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(j)(1) Upon application of a State or local public body which carries out a project described in this section or portion of such a project without the aid of Federal funds in accordance with all procedures and requirements applicable to such a project and upon the Secretary's approval of such application, the Secretary may pay to such applicant the Federal share of the net project costs if prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

"(2) Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State or local public body to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion. In no event shall the amount of interest considered as a cost of carrying out a project or portion thereof under the preceding sentence be greater than the excess of (A) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over (B) the actual cost of carrying out such project or portion (not including such interest). The Secretary shall consider changes in construction cost indices in determining the amount under clause (A) of this paragraph.".

(b) Section 9 of such Act is amended by adding at the end thereof the following new subsection:

"(p)(1) When a recipient has obligated all funds apportioned to it under this section and proceeds to carry out any project described in this section (other than a project for operating expenses) or portion of such a project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to carrying out projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such recipient and his approval of such application, is authorized to pay to such recipient the Federal share of the costs of carrying out such project or portion when additional funds are apportioned to such recipient under this section if prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

"(2) The Secretary may not approve an application under this subsection unless an authorization for this section is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such recipient. No application may be approved under this subsection which will exceed the recipient's expected apportionment of such authorization which is expected to be available for projects under this section (other than projects for operating expenses).

"(3) Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the recipient to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion. In no event shall the amount of interest considered as a cost of carrying out a project or portion under the preceding sentence be greater than the excess of (A) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over (B) the actual cost of carrying out such project or portion (not including such interest). The Secretary shall consider changes in construction cost indices in determining the amount under clause (A) of this paragraph.".

CRITERIA FOR NEW STARTS

SEC. 205. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(k) No grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may be made under this section unless the Secretary determines that the proposed project (1) is based on the results of an alternatives analysis and preliminary engineering, (2) is cost-effective, and (3) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension. The Secretary shall issue guidelines that set forth the means by which the Secretary will evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment. In making grants and loans under this section, the Secretary may also consider such other factors as the Secretary deems appropriate.".

(b) The amendment made by subsection (a) of this section shall not apply to any letter of intent issued before the date of enactment of this Act under section 3(a)(4) of the Urban Mass Transportation Act of 1964.

UNIVERSITY TRANSPORTATION CENTERS

SEC. 206. (a) Section 4(d) of the Urban Mass Transportation Act of 1964 is amended—

(1) in the first sentence by striking out the comma after "September 30, 1981" and all that follows through the period at the end of such sentence and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: "There are authorized to be appropriated to carry out section 11(b) of this Act for the fiscal year ending September 30, 1985, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000; for the fiscal year ending September 30, 1986, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000; and for the fiscal year ending September 30, 1987, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000. Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under the preceding sentence shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project. Funds authorized to be appropriated, out of the Mass Transit Account of the Highway Trust Fund, by this subsection to carry out section 11(b) of this Act shall not be subject to any obligation limitation.".

(b) Section 11(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b)(1) In addition to grants authorized by subsection (a) of this section, the Secretary shall make grants to one or more nonprofit institutions of higher learning to establish and operate one regional transportation center in each of the ten Federal regions which comprise the Standard Federal Regional Boundary System.

"(2) The responsibilities of each transportation center established under this subsection shall include, but not be limited to, the

conduct of infrastructure research concerning transportation and research and training concerning transportation of passengers and property and the interpretation, publication, and dissemination of the results of such research.

"(3) Any nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

"(4) The Secretary shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The regional transportation center shall be located in a State which is representative of the needs of the Federal region for improved transportation services and facilities.

"(B) The demonstrated research and extension resources available to the grant recipient for carrying out this subsection.

"(C) The capability of the grant recipient to provide leadership in making national and regional contributions to the solution of both long-range and immediate transportation problems.

"(D) The grant recipient shall have an established transportation program or programs encompassing several modes of transportation.

"(E) The grant recipient shall have a demonstrated commitment to supporting ongoing transportation research programs with regularly budgeted institutional funds of at least $200,000 per year.

"(F) The grant recipient shall have a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing education program.

"(G) The projects which the grant recipient proposes to carry out under the grant.

"(5) No grant may be made under this section in any fiscal year unless the recipient of such grant enters into such agreements with the Secretary as the Secretary may require to ensure that such recipient will maintain its aggregate expenditures from all other sources for establishing and operating a regional transportation center and related research activities at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

"(6) The Federal share of a grant under this subsection shall be 50 percent of the costs of establishing and operating the regional transportation center and related research activities carried out by the grant recipient.

"(7)(A) The Secretary shall establish in the Department of Transportation a national advisory council to coordinate the research and training to be carried out by the grant recipients, to disseminate the results of such research, to act as a clearinghouse between such centers and the transportation industry, and to review and evaluate programs carried out by such centers.

"(B) The council shall be composed of the directors of the regional transportation centers and 19 other members appointed by the Secretary as follows:

"(i) Six officers of the Department of Transportation each of whom represents each of the following agencies within the Department: the Office of the Secretary, Federal Highway Administration, Urban Mass Transportation Administration, National Highway Traffic Safety Administration, Research and Special Programs Administration, and Federal Railroad Administration.

"(ii) Five representatives of State and local governments.

"(iii) Eight representatives of the transportation industry and organizations of employees in such industry.

A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

"(C) Each of the members appointed by the Secretary shall serve for a term of five years. Members of the council shall serve without pay. The chairman of the council shall be designated by the Secretary.

"(D) The council shall meet at least annually and at such other times as the chairman may designate.

"(E) Subject to subchapter II of chapter 5 of title 5, United States Code, the council may secure directly from any department or agency of the United States information necessary to enable it to carry out this subsection. Upon request of the Chairman of the council, the head of such department or agency shall furnish such information to the council.

"(F) Section 14 of the Federal Advisory Committee Act shall not apply to the council.

"(8) Administrative responsibility for carrying out this subsection shall be in the Office of the Secretary.

"(9) The Secretary shall allocate funds made available to carry out this subsection equitably among the Federal regions.

"(10) Not less than 5 percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities.".

SUBSTITUTE PROJECTS

SEC. 207. Section 4(g) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(g) There are authorized to be appropriated not to exceed $600,000,000 for the fiscal year ending September 30, 1982, $365,000,000 for the fiscal year ending September 30, 1983, $380,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for the fiscal years ending September 30, 1985, and September 30, 1986, to carry out public transportation projects substituted for Interstate segments withdrawn under section 103(e)(4) of title 23, United States Code.".

ALTERNATIVE BUS PROJECTS

SEC. 208. The last sentence of section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end thereof the following: ", except that such sums may also be available for expenditure for bus and bus-related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment".

TRANSIT TECHNICAL AMENDMENTS

SEC. 209. (a)(1) Section 5(h)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out "approach" and inserting in lieu thereof "approval".

(2) Section 5(j)(1) of such Act is amended by striking out "action" and inserting in lieu thereof "section".

(3) Section 5(o) of such Act is amended by striking out "1982" and inserting in lieu thereof "1983".

(4) Section 9(l)(3) of such Act is amended by striking out "1983" and inserting in lieu thereof "1984".

(5) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

(6) Section 17(d)(4) of such Act is amended by striking out "; and".

(b) Section 303 of the Surface Transportation Assistance Act of 1982 is amended by striking out "(a)" the first place it appears.

NEW URBANIZED AREA APPORTIONMENTS

SEC. 210. (a) Section 9(k)(2) of the Urban Mass Transportation Act of 1964 is amended by striking out "not to exceed 40 per centum of its apportionment under this section for operating assistance." and inserting in lieu thereof "for operating assistance not to exceed 40 per centum of the amount which would be apportioned in any fiscal year for expenditure in such urbanized area under this section if the total amount authorized to be appropriated from the general fund of the Treasury under section 21(a)(1) of this Act for such fiscal year were appropriated.".

(b) Section 9(l)(1)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "its apportionment under this section." and inserting in lieu thereof "the amount which would be apportioned in any fiscal year for expenditure in such urbanized area under this section if the total amount authorized to be appropriated from the general fund of the Treasury under section 21(a)(1) of this Act for such fiscal year were appropriated.".

(c) The amendment made be subsections (a) and (b) shall only apply to fiscal years beginning after September 30, 1984.

TRADE-IN FOR OPERATING ASSISTANCE

SEC. 211. (a) Section 9(l) of the Urban Mass Transportation Act of 1964 is amended—

(1) in paragraph (1)(A) by striking out "and 1984" and inserting in lieu thereof ", 1984, 1985, and 1986";

(2) in paragraph (2)(B) by striking out "three-year", and by striking out "1985" and inserting in lieu thereof "1987";

(3) in the first sentence of paragraph (3) by inserting before the period at the end of such sentence "for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities";

(4) in the last sentence of paragraph (3) by striking out "discretionary construction grants" and inserting in lieu thereof "such discretionary grants"; and

(5) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Any recipient of a grant under section 3 of this Act in any fiscal year beginning after September 30, 1984, may not carry out a transfer under this subsection in such fiscal year, unless—

"(A) such grant is—

"(i) for emergency repairs, as determined by the Secretary;

"(ii) made pursuant to a letter of intent issued, or full funding contract executed, under section 3(a)(4) of this Act before the date of enactment of this subparagraph; or

"(iii) for a project which has a high priority on the plan prepared by the Secretary for allocation of resources under section 3 of this Act for such fiscal year and for an amount which has been reduced in accordance with section 3(a)(7) of this Act; or

"(B) such recipient received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981 and carried out a transfer under this subsection in the fiscal year ending September 30, 1983, and the percentage of the funds appropriated to carry out section 3 of this Act which such recipient will receive under grants made under such section 3 in the fiscal year beginning after September 30, 1984, will not exceed the percentage of the funds appropriated to carry out such section 3 which such

recipient received under grants under such section 3 in the fiscal year ending September 30, 1983.".

(b) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(7) Except as provided in paragraph (8) of this subsection, any recipient that has carried out a transfer under section 9(l) of this Act for a fiscal year beginning after September 30, 1984, may not receive a grant under this section in such fiscal year, unless such grant is—

"(A) for emergency repairs, as determined by the Secretary;

"(B) made pursuant to a letter of intent issued, or full funding contract executed, under paragraph (4) of this subsection before the date of enactment of this subparagraph; or

"(C) for a project which has a high priority on the plan prepared by the Secretary for allocation of resources under this section for such fiscal year;

and unless, in the case of projects referred to in subparagraph (C), such recipient agrees with the Secretary that the amount of the Federal grants for such projects, as determined under section 4(a) of this Act, shall be reduced in the aggregate by an amount equal to the amount of the capital assistance transferred under such transfer.

"(8) Any recipient that has carried out a transfer under section 9(l) of this Act for any fiscal year beginning after September 30, 1984, received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981, and carried out a transfer under section 9(l) of this Act in the fiscal year ending September 30, 1983, may not receive a grant under this section in such fiscal year beginning after September 30, 1984, in an amount which would make the percentage of the funds appropriated to carry out this section which such recipient receives under grants under this section in such fiscal year beginning after September 30, 1984, greater than the percentage of funds appropriated to carry out this section which such recipient received under grants under this section in the fiscal year ending September 30, 1983.".

(c) The amendments made by subsections (a) and (b) shall take effect October 1, 1984.

AUTHORIZATION OF APPROPRIATIONS

SEC. 212. (a) Section 21(a)(2) of the Urban Mass Transportation Act of 1964 is amended—

(1) in subparagraph (B) by striking out all that follows "1984" and inserting in lieu thereof a period;

(2) by redesignating subparagraph (C) as subparagraph (E) and by inserting after subparagraph (B) the following new subparagraphs:

"(C)(i) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities not less than $140,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(ii) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for rail modernization not less than $562,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(iii) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for construction of new fixed guideway systems and extensions to fixed guideway systems not less than $562,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(iv) In addition to amounts made available by the preceding clauses of this subparagraph, there shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act not less than $141,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(v) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to carry out section 8 of this Act not less than $50,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(vi) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to carry out sections 4(i) and 16(b) of this Act not less than $40,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(D) Of the funds made available by subparagraph (B) of this paragraph and not obligated on or before September 30, 1984, as a result of the obligation ceiling imposed by title I of the Department of Transportation and Related Agencies Appropriations Act, 1984 (97 Stat. 466)—

"(i) not less than $2,500,000 shall be available in the fiscal year ending September 30, 1985, only for obligation to finance grants and loans under section 3 of this Act for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities;

"(ii) not less than $10,000,000 shall be available in the fiscal year ending September 30, 1985, only for obligation to finance grants and loans under section 3 of this Act for rail modernization;

"(iii) not less than $10,000,000 shall be available in the fiscal year ending September 30, 1985, only for obligation to finance grants and loans under section 3 of this Act for construction of new fixed guideway systems and extensions of fixed guideway systems; and

"(iv) not less than $2,500,000 shall be available in the fiscal year ending September 30, 1985, only for obligation to finance grants and loans under section 3 of this Act.";

(3) in subparagraph (E), as redesignated by paragraph (2) of this subsection, by inserting "or loan" after "a grant" and by striking out "and (B)" and inserting in lieu thereof ", (B), (C), and (D)"; and

(4) by adding at the end of such paragraph the following new paragraphs:

"(F) Funds made available under this paragraph shall remain available until expended.

"(G) Notwithstanding any other provisions of law, the total of all obligations under the Urban Mass Transportation Act of 1964 (other than section 11(b)) from the Mass Transit Account of the Highway Trust Fund shall not exceed $1,520,000,000 for fiscal year 1985, $1,495,000,000 for fiscal year 1986, and $1,495,000,000 for fiscal year 1987.".

(b)(1) Section 4(i) of the Urban Mass Transportation Act of 1964 is amended by striking out ", using sums available pursuant to section 4(c)(3)(A) of this section,".

(2) Section 16(b) of such Act is amended by striking out the last sentence.

(3) Section 21(a)(5) of such Act is amended by striking out "each of fiscal years 1984, 1985, and 1986" and inserting in lieu thereof "fiscal year 1984".

FEASIBILITY STUDY

SEC. 213. Section 314(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"SEC. 314. (a) The Secretary of Transportation shall make a grant to the Niagara Frontier Transportation Authority to conduct a feasibility study to examine the possibility of constructing and operating in Buffalo, New York, an electric trolley bus line with the advanced and environmentally sound electric bus technology that is being developed in the State of California for the Santa Barbara transit system.".

RATES FOR ELDERLY AND HANDICAPPED PERSONS

SEC. 214. Section 5(m) of the Urban Mass Transportation Act of 1964 is amended by striking out "The" and inserting in lieu thereof the following: "(1) Except as provided in paragraph (2) of this subsection, the" and by adding at the end thereof the following new paragraph:

"(2) An applicant whose existing fare collection system does not reasonably permit the collection of half fares may continue to use a preferential fare system for elderly and handicapped persons which was in effect on or before November 26, 1974, and which incorporates the offering of a free return ride upon payment of the generally applicable full fare, except that such a system may be used after the 120th day following the date of enactment of the Federal Mass Transportation Act of 1984 only if such system is available for use by all elderly and handicapped persons.".

BUS REMANUFACTURING

SEC. 215. Paragraph (1) of section 12(c) of the Urban Mass Transportation Act of 1964 is amended by inserting "and any bus remanufacturing project which extends the economic life of a bus eight years or more" before the semicolon at the end of such paragraph.

COMPREHENSIVE TRANSIT PLAN

SEC. 216. (a) The Secretary of Transportation, in cooperation with the Virgin Islands Department of Public Works, shall study and analyze the mass transportation needs of the Virgin Islands for the purpose of developing a comprehensive mass transportation plan for the Virgin Islands.

(b) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on the results of the study and analysis conducted under subsection (a) together with a copy of the mass transportation plan which the Secretary recommends for the Virgin Islands.

AMENDMENT OFFERED BY MR. MINETA

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

The Clerk read as follows:

Amendment offered by Mr. MINETA: Page 61, line 18, before the period insert the following: "; amounts stipulated for each fiscal year under full funding contracts executed under such subsection before October 1, 1984; and, in the case of projects for which letters of intent have been issued under such subsection before October 1, 1984, but for which full funding contracts have not been executed before such date, amounts stipulated for each fiscal year under such letters of intent.".

Mr. MINETA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be consid-

ered as read and printed in the RECORD.

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

There was no objection.

Mr. MINETA. Mr. Chairman, this is a simple and straightforward amendment and this is primarily technical in nature.

The amendment is designed to insure that mass transit projects underway at the date this bill becomes effective are given the same consideration and protection as projects for which the Federal commitment comes after October 1, 1984, the bill's effective date.

The bill now provides that the Secretary of Transportation shall include funding for projects which have multiyear contracts, the new instrument created by this bill, and that the Secretary include such projects in his or her proposed funding allocations which will be submitted to the Congress.

This amendment expands that requirement to include projects well underway and for which a Federal commitment has been made through the issuance of a letter of intent or full funding contract.

All we are doing is making sure that ongoing projects get the same protection as new ones. As I have said, I believe this amendment is primarily technical in nature and clarifies the application of the provision as approved by the Committee on Public Works and Transportation.

Mr. ANDERSON. Will the gentleman yield?

Mr. MINETA. I am more than pleased to yield to my colleague from California.

Mr. ANDERSON. I thank the gentleman for yielding.

During our committee markup I had a colloquy with the gentleman and I told him that I would rise in the committee here and support him. So we are aware of his amendment and we support it.

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

Mr. MINETA. I am pleased to yield.

Mr. SHUSTER. We have examined the gentleman's amendment and we support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MINETA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BREAUX

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

The Clerk read as follows:

Amendment offered by Mr. BREAUX: Page 82, after line 19, insert the following:

RELOCATION REQUIREMENTS

SEC. 216. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(1) Notwithstanding any other provision of this Act, no State, or local public body or agency thereof which receives financial assistance under this Act shall displace or cause to be removed from the property of a mass transportation system, with respect to which such assistance is being provided, a structure or structures on such property owned by any person, partnership, or corporation that provides rent to such State, or local public body or agency in consideration for the occupancy of such property by such structure or structures unless (1) such displacement is directly necessitated by the operation, maintenance, or construction of such system, (2) the owner of such structures receives relocation assistance in an amount at least equal to the amount that such owner would have received pursuant to the Uniform Relocation Assistance Act (42 U.S.C. 4601, et seq) if the owner were a displaced person as provided by that Act, or (3) such displacement is expressly authorized by State statute and is in accordance with the terms of the rental agreement.".

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

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

There was no objection.

Mr. BREAUX. Mr. Chairman, I would say that we have just adopted an amendment to title I. This is the same amendment but to title II and instead of pertaining to Federal aid to highways and to the highway program it pertains to the urban mass transportation section of the bill and deals with mass transportation.

It is the same amendment but it is applicable now by this amendment to the mass transit program as opposed to highways.

Mr. SHUSTER. Will the gentleman yield?

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

Mr. SHUSTER. We have examined this and it is indeed the same and we accept it.

Mr. SHAW. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Florida.

Mr. SHAW. I would ask the gentleman on the last sentence of his amendment do you provide for the State statute in conjunction with the rental agreement as to the prior amendment?

Mr. BREAUX. I would say it is the same as the previous amendment and it does refer to expressly authorized by State statute.

Mr. SHAW. I would also further ask the gentleman, if he will yield further, if I may, I am concerned with the possible extent that this particular amendment could go and could be applied. Would it be the gentleman's opinion that it would apply to signs on the side of a mass transit vehicle or within a mass transit vehicle?

Mr. BREAUX. I would respond to the gentleman by perhaps drawing his attention to the words of the amendment. We are talking about any State or local public body which receives financial assistance under this act shall display or cause to be removed from the property of a mass transportation system.

What we are talking about is the property of the mass transportation system.

I am not sure if that directly answers your question, but to the extent that it can, it is my response.

Mr. SHAW. I would interpret that as being that a bus or a rapid rail system is certainly the property of a mass transit system and would also apply.

Mr. BREAUX. I would agree with the gentleman's interpretation.

Mr. SHAW. I will not take the House's time, if the gentleman would yield further, in offering an amendment by way of a substitute. However, I think this is a very bad amendment and I certainly would oppose it.

I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The amendment was agreed to.

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

Mr. Chairman, as you probably noticed, I had printed in the RECORD the other day an amendment which I will not offer, but I wish to address the subject of the particular section known as 211 of the bill dealing with the trading of capital funds for operating assistance which provides special treatment to benefit one particular transit system, the Southern Pennsylvania Transportation Authority, known as SEPTA.

I am not going to offer the amendment because this committee has worked hard, and developed a good bill, and put a lot of good projects in here to benefit the Members who ought to know what is best for their districts. And I support that concept and I hope that the other Members support the concept.

This one struck me as being particularly bad. But I am going to defer to the judgment of the full committee. But I want to lay out for you the background just a little bit.

Mr. Chairman, here is the background. In the 1982 Surface Transportation Assistance Act, we set a ceiling on the amount of funds apportioned by formula to transit systems which could be used for operating assistance.

The maximum was the amount of formula funds which a transit system was eligible to use for operating assistance in fiscal year 1982, reduced by between 5 and 20 percent, depending on the size of the city. All formula funds above a city's limit are restricted to capital purposes.

In addition, however, we provided that in fiscal years 1983 and 1984 a city could spend up to the full 1982 level for operating by trading its capital-only funds. However, for each $2 shifted from capital to operating, an additional $1 would be returned to the Secretary of Transportation for discretionary capital use.

A transit system availing itself of this provision would be saying, in effect, I have such a surplus of capital funds that I can afford to trade it in at a 33-percent discount for operating.

H.R. 5504 would extend this 3-for-2 trade-in through fiscal year 1987. And it would plug a loophole in existing law to prohibit a transit system which trades in capital from obtaining a discretionary capital grant from the Secretary unless certain requirements are met.

We are saying, in effect, that if you are so flush with capital funds you get by formula that you can afford to trade them in for operating purposes, do not go running to the Secretary for a discretionary capital grant unless you have a pretty good reason as spelled out in the statute.

However, an amendment was adopted in the committee to provide special treatment for the SEPTA system. We heard arguments that the system has sustained unusual costs associated with the takeover of passenger commuter rail services from Conrail. We heard about federally "mandated" costs that had to be somehow compensated for. And we heard reassurances that the benefit to SEPTA would be limited: SEPTA could not receive a greater percentage share of the transit discretionary fund than it received in fiscal year 1983.

Now, we learn from DOT that SEPTA received $39 million in separate funding, apart from the Mass Transit Act, in fiscal years 1982 and 1983 specifically for Conrail transition expenses.

Furthermore, much of approximately $96 million which SEPTA received in discretionary grants during fiscal year 1983 was directly related to Conrail transition activities. That was double its fiscal year 1982 allocation. Among other things, this means the SEPTA's share of the total discretionary funding for 1983 was artificially inflated, so that a limitation to that percentage in future years is a sham.

That percentage limitation is even more of a sham when you recognize that discretionary capital funding in fiscal year 1983 was $1.250 billion, and this bill would raise the annual authorization to $1.5 billion. So, even if the percentage remained the same, SEPTA's funding would substantially increase.

This is also a bad policy for the following reason if no other: Transit discretionary capital is financed by fuel tax revenues—1 cent per gallon—paid by the motorist into the mass transit account of the Highway Trust Fund. To the extent that SEPTA receives a discretionary capital grant in an amount equal to what it transfers from formula capital to operating subsidy, it amounts to a de facto diversion of the trust fund revenues to transit operating subsidy.

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I happen to think that is wrong. But I defer to the judgment of the committee and the members involved.

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

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

Mr. SHUSTER. I thank the gentleman.

Mr. Chairman, even though this involves a transit system from my home State, I share the gentleman's reservations and concern. Like him I will go along with the committee at this point, but I do reserve judgment as to further actions at a later date.

Mr. SNYDER. I respect very much the deliberation which the committee has made on the projects and the respective member's districts. I think their judgment is good and I think it would ill behoove us to attempt to delve into them further since the committee has given such good deliberation.

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

The CHAIRMAN. Are there further amendments to title II?

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman from California, as well as the staff of the Subcommittee on Surface Transportation, for the development of this legislation. However, I do have a major concern about the record of UMTA in evaluating new fixed guideway projects.

Mr. Chairman, is it the intent of the committee that UMTA, in evaluating proposed new fixed guideway projects, will apply the criteria in a manner that is consistent for all projects?

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

Mr. YOUNG of Missouri. I am happy to yield to the gentleman from California.

Mr. ANDERSON. Yes; the intent of the committee is that all projects will be weighted by the same criteria except those which have letters of intent issued before the day of enactment of this act.

Mr. YOUNG of Missouri. I thank the gentleman from California.

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

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Uniform Relocation Act Amendments of 1984".

DEFINITIONS

SEC. 302. (a) Section 101(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter in this title referred to as the "Uniform Act") (42 U.S.C. 4601(1)) is amended to read as follows:

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.".

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting ", any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual," after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) any person who moves from real property, or moves his personal property from real property—

"(i) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance, or

"(ii) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the person is a residential tenant and the head of the displacing agency determines that such displacement is permanent; and

"(B) solely for the purposes of sections 202 (a) and (c) and 205 of this title, any person who moves from real property, or moves his personal property from real property—

"(i) on which such person conducts a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

"(ii) on which such person conducts a small business or a farm operation, as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

Such term does not include a person who has been determined, according to criteria

established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act. Such term also does not include, in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.".

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new paragraphs:

"(10) The term 'comparable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent and substantially the same as the replacement dwelling with respect to number of rooms and living space; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Department of Transportation.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

CERTIFICATION

SEC. 303. Title I of the Uniform Act is amended by adding at the end thereof the following new section:

"CERTIFICATION

"SEC. 103. (a)(1) Notwithstanding sections 210 and 305 of this Act, the head of a Federal agency may discharge any of his responsibilities under this Act, by accepting a certification by a State agency that it will perform such responsibility if the head of such Federal agency finds that such responsibility will be performed in accordance with State laws, regulations, directives, and standards which will accomplish the purpose and effect of this Act. Prior to accepting a certification under the preceding sentence, the head of the Federal agency shall provide interested parties with an opportunity for public review and comment and shall consult with interested local general purpose governments.

"(2) The head of the lead agency shall issue guidelines and regulations to carry out this section.

"(3) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of this section. A State agency shall make available any information required for such purpose.

"(4) After consultation with the head of the lead agency, the head of a Federal agency may rescind his acceptance of any certification under this section, in whole or in part, if the State agency fails to comply with such certification or with State law.

"(b) The head of a Federal agency may withhold his approval of any Federal financial assistance to or contract or cooperative agreement with any displacing agency found to have failed to comply with any certification under this section or with a State law.".

DECLARATION OF FINDINGS AND POLICY

SEC. 304. Section 201 of the Uniform Act (42 U.S.C 4621) is amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons;

"(3) the displacement of businesses often results in their closure;

"(4) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities; and

"(5) implementation of this Act has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which will be improved by establishing a lead agency and allowing for State certification and implementation.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The primary purpose of this title is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

"(c) It is the intent of Congress that—

"(1) Federal agencies shall carry out this title in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs borne by States and State agencies in providing relocation assistance;

"(2) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(3) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

MOVING AND RELATED EXPENSES

SEC. 305. (a) Section 202(a) of the Uniform Act (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of the Uniform Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 306. Section 203(a) of the Uniform Act (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in the portion of paragraph (1) preceding subparagraph (A) and inserting in lieu thereof "displacing";

(2) by striking out "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 307. Section 204 of the Uniform Act (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to (1) the initiation of negotiations for acquisition of such dwelling, or (2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed four years, a comparable replacement dwelling, but not to exceed $6,000. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

"(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a), except that, in the case of a displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

SEC. 308. Section 205 of the Uniform Act (42 U.S.C. 4625) is amended to read as follows:

"RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

"SEC. 205. (a) At an early stage in the planning of a program or project undertaken by a Federal agency or with Federal financial assistance and before the commencement of any actions which will cause displacements, a relocation analysis shall be developed by the displacing agency to assist it in the recognition and successful resolution of those problems associated with the displacements of individuals, families, businesses and farm operations in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

"(b) The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(c) Each relocation assistance advisory program required by subsection (b) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of—

"(A) a major disaster as defined in section 102(2) of the Disaster Relief Act of 1974;

"(B) a national emergency declared by the President; or

"(C) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply (A) information concerning other Federal and State programs which may be of assistance to displaced persons, and (B) technical assistance to such persons in applying for assistance under such programs; and

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may agree that the procedures of one of such agencies shall be utilized to implement this title with respect to such activities. If such agreement cannot be reached, then the head of the lead agency shall designate one of such agencies as the agency whose procedures shall be utilized to implement this title with respect to such activities. Such related activities shall constitute a single program or project for purposes of this Act.

"(f) Notwithstanding section 101(6) of this Act, in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 309. Section 206 of the Uniform Act (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under sections 203 and 204 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.

"(b) No person shall be required to move from his dwelling on account of any program or project undertaken by a Federal agency or with Federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person.".

ASSURANCES

SEC. 310. Section 210 of the Uniform Act (42 U.S.C. 4630) is amended by striking out "State agency" the first place it appears and inserting in lieu thereof "displacing agency (other than a Federal agency)", by striking out "State agency" the second place it appears and inserting in lieu thereof "displacing agency", and by striking out "decent, safe, and sanitary" in paragraph (3) and inserting in lieu thereof "comparable".

FEDERAL SHARE OF COSTS

SEC. 311. (a) Section 211(a) of the Uniform Act (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs.".

(b) Section 211(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended to read as follows:

"(b) No payment or assistance under title II or III of this Act shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by State law which is determined by the head of the lead agency to have substantially the same purpose and effect as such payment under this section.".

DUTIES OF LEAD AGENCY

SEC. 312. Section 213 of the Uniform Act (42 U.S.C. 4633) is amended to read as follows:

"DUTIES OF LEAD AGENCY

"SEC. 213. (a) The head of the lead agency shall—

"(1) develop, publish, and issue, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in coordination with State and local governments, such reg-

ulations as may be necessary to carry out this Act;

"(2) ensure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform such other duties as may be provided by law as relate to the purposes of this Act.

"(b) The head of the lead agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable and as uniform as practicable;

"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

"(3) that any aggrieved person may have his application reviewed by the head of the Federal agency having authority over the applicable program or project or, in the case of a program or project receiving Federal financial assistance, by the State agency having authority over such program or project or the Federal agency having authority over such program or project if there is no such State agency.".

PAYMENTS UNDER OTHER LAWS

SEC. 313. Section 216 of the Uniform Act (42 U.S.C. 4636) is amended by inserting after "Federal law" the following: "(except for any Federal law providing low-income housing assistance)".

TRANSFER OF SURPLUS PROPERTY

SEC. 314. Section 218 of the Uniform Act (42 U.S.C. 4638) is amended by inserting "net" after "all".

REPEALS

SEC. 315. Sections 214, 217, and 219 of the Uniform Act (42 U.S.C. 4634 and 4637) are hereby repealed.

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 316. (a) Section 301(2) of the Uniform Act (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value".

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651 (9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the Federal agency concerned has determined has little or no value or utility to the owner.".

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following new paragraph:

"(10) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, and part thereof, any interest therein, or any compensation paid therefor to a Federal agency, as such person shall determine.".

ASSURANCES

SEC. 317. Section 305 of the Uniform Act (42 U.S.C. 4655) is amended by inserting "(a)" after "SEC. 305.", by striking out "a State agency" the first place it appears and inserting in lieu thereof "an acquiring agency", by striking out "State agency" the second place it appears and inserting in lieu thereof "acquiring agency", and by adding at the end thereof the following new subsection:

"(b) For purposes of this section, the term 'acquiring agency' means—

"(1) a State agency (as defined in section 101(3)) which has the authority to acquire property by eminent domain under State law, and

"(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.".

EFFECTIVE DATE

SEC. 318. This title and the amendments made by this title shall take effect two years after the date of enactment of this title, except that the amendment made by section 312 of this title (to the extent such amendment prescribes authority to develop, publish, and issue rules and regulations) shall take effect on the date of enactment of this title.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. SHUSTER

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

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 85, line 2, before the comma insert the following: "or a business defined by section 101(7)(D)".

Page 86, before line 23, insert the following:

(f) Section 101(7)(D) of the Uniform Act (42 U.S.C. 4601(7)(D)) is amended by striking out "(a)" after "202".

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

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

There was no objection.

Mr. SHUSTER. Mr. Chairman, this amendment is offered as a technical amendment to the Uniform Relocation Assistance Act of 1984. The first part of the amendment is a provision which parallels amendments to title I and title II of H.R. 5504.

Consistent with those amendments, it provides some measure of protection to businesses other than small businesses and farm operations with structures displaced because of a Federal project.

The second part of the amendment corrects the unintended exclusion of one small class of businesses from eligibility for increased payments available to all other businesses under section 202(c) of the Uniform Relocation Assistance Act. I believe it is a technical amendment and noncontroversial.

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

Mr. SHUSTER. I yield to my friend, the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I might say we have checked the gentleman's amendment and are willing to accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

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

Mr. Chairman, I will ask the distinguished chairman to enter into a colloquy with me.

Mr. Chairman, I appreciate your willingness to participate in this colloquoy with me regarding efforts to rehabilitate the portion of the Baltimore-Washington Parkway under the jurisdiction of the Federal Government, and constituting the first 18 miles of the parkway going north from the District of Columbia into Maryland. Mr. Chairman, it is my understanding from our earlier discussions that you are aware of the need to address the problems facing the aging Baltimore-Washington Parkway and you are supportive of efforts to secure funds that were authorized for rehabilitation of the parkway in the Federal Aid Highway Act of 1970, Public Law 91-605 to be distributed out of the highway trust fund. Is my understanding correct?

Mr. HOWARD. Mr. Chairman, will the gentleman yield.

Mr. HOYER. I yield to the committee chairman.

Mr. HOWARD. The gentleman is correct.

Mr. HOYER. Further, it is also my understanding that since passage of the Congressional Budget and Impoundment Control Act of 1974 funds disbursed from the highway trust fund are normally allocated through the use of "contract authority" for Federal-aid highway projects. Because the funds for the Baltimore-Washington project were authorized prior to these changes requiring a direct appropriation action to provide these funds has been delayed. Mr. Chairman, are you supportive of efforts to secure these authorized but heretofore unappropriated funds through the appropriate procedures so that we may move forward in a timely manner with work with this project?

Mr. HOWARD. I say to the gentleman, yes, I am.

Mr. HOYER. I appreciate the distinguished chairman, the subcommittee chairman, and the ranking member for their cooperation.

Mr. McEWEN. Mr. Chairman, I rise in support of the Surface Transportation and Uniform Relocation Assistance Act of 1984. I want to take this opportunity to commend the distinguished chairman of the committee, Mr. HOWARD, for his leadership on this bill. I also want to commend Mr. SNYDER, the ranking member of the committee.

Mr. Chairman, in the waning days of the 97th Congress, we passed a monumental piece of transportation legislation. The Surface Transportation Act of 1982 was urgently needed to address our Nation's deteriorating transportation infrastructure. While I supported the legislation at that time because failure to pass the bill would have delayed needed work on our bridges and roads, I recognized that it was not perfect. I knew that we would have to come back and make some corrections.

The legislation before the House today makes those adjustments.

The 1982 Transportation Act further exacerbated a situation whereby States such as my own home State of Ohio are paying more in Federal highway taxes than they are receiving in the form of funds for road and bridge construction and maintenance. Already a donor State prior to the passage of the 1982 act, after its enactment, the disparity between what the taxpayers of Ohio were putting into the highway system and what they were getting out widened even further.

In committee, we were able to change the apportionment formula for the Interstate 4R program to compensate States such as Ohio. Section 121 of the bill changes the Interstate 4R formula from one which apportions funds 55 percent on the basis of interstate lane miles and 45 percent on the basis of interstate vehicle miles traveled to a formula which apportions funds 50 percent on the basis of interstate vehicle miles traveled, 25 percent on the basis of gasoline consumption, and 25 percent on the basis of diesel fuel consumption.

I believe that the formula adjustment approved by the committee for the 4R program provides for a more fair distribution. It is a formula based on road use rather than one based largely on highway mileage. The new formula takes into account the condition of a State's highways by including the amount of diesel and gasoline consumption. By including diesel fuel consumption, we are for the first time, recognizing the effects of truck travel on our roads.

No Federal funding formula is perfect. Recognizing that, two important studies were authorized. The first would investigate the equity of highway funding between urban and rural areas and the second will determine whether Federal funds are being distributed to the States on an equitable basis. These two studies will provide important data upon which future legislation can be based.

Another improvement included in the bill is a provision which provides relief to States which through no fault of their own have been unable to spend apportioned funds. Congressional delay on approving the interstate cost estimate created large backlogs of money which could not be committed to essential projects until this approval was granted. The bill insures that those States with large backlogs do not lose these funds. Furthermore, the bill would give the States 3 years to work through their backlogs.

Finally, consideration was given to the hardships placed on homeowners, businesses, and farmers who are displaced by new road construction. Additional assistance for these taxpayers is provided.

Mr. Chairman, the Surface Transportation and Uniform Relocation Assistance Act of 1984 is worthy of our support.

The CHAIRMAN. Are there further amendments to title III?

If not, the question is on the committee amendment in the nature of 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. FOLEY) having assumed the chair, Mr. DANIEL, 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. 5504) to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the relocation assistance program, and for other purposes pursuant to House Resolution 502, 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 any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment 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.

□ 1850

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

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

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I 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 297, nays 73, not voting 63, as follows:

[Roll No. 220]

YEAS—297

Ackerman	Eckart	Kleczka
Addabbo	Edgar	Kolter
Albosta	Edwards (AL)	Kostmayer
Alexander	Edwards (CA)	LaFalce
Anderson	Emerson	Lantos
Andrews (NC)	English	Latta
Andrews (TX)	Erdreich	Leath
Annunzio	Evans (IA)	Lehman (CA)
Anthony	Fascell	Levin
Applegate	Fazio	Levine
Archer	Feighan	Levitas
Aspin	Ferraro	Lewis (CA)
Barnard	Fields	Lewis (FL)
Barnes	Flippo	Lipinski
Bateman	Florio	Long (LA)
Bates	Foglietta	Long (MD)
Beilenson	Foley	Lott
Bennett	Ford (MI)	Lowry (WA)
Bevill	Fowler	Luken
Bliley	Frank	Lundine
Boggs	Franklin	MacKay
Boland	Frost	Markey
Bonker	Fuqua	Martin (IL)
Borski	Garcia	Martinez
Boucher	Gaydos	Mavroules
Boxer	Gejdenson	McCain
Breaux	Gekas	McCandless
Britt	Gephardt	McCloskey
Broomfield	Gilman	McCollum
Brown (CA)	Gingrich	McCurdy
Bryant	Glickman	McDade
Burton (CA)	Gonzalez	McEwen
Byron	Goodling	McHugh
Campbell	Gramm	McKernan
Carney	Green	McKinney
Carper	Guarini	McNulty
Carr	Hall (IN)	Mica
Chandler	Hall (OH)	Michel
Chappell	Hall, Ralph	Mikulski
Clarke	Hall, Sam	Miller (CA)
Clinger	Hamilton	Miller (OH)
Coleman (MO)	Hammerschmidt	Mineta
Coleman (TX)	Hance	Minish
Collins	Harkin	Mitchell
Conte	Hayes	Moakley
Conyers	Hefner	Mollohan
Cooper	Heftel	Montgomery
Corcoran	Hillis	Moody
Courter	Holt	Moore
Coyne	Hopkins	Moorhead
D'Amours	Horton	Morrison (CT)
Daniel	Howard	Murphy
Darden	Hoyer	Murtha
Daub	Huckaby	Myers
Davis	Hughes	Natcher
Dellums	Hunter	Neal
Derrick	Hutto	Nelson
Dickinson	Ireland	Nichols
Dicks	Jenkins	Nowak
Dingell	Johnson	O'Brien
Dixon	Jones (NC)	Oakar
Donnelly	Jones (OK)	Oberstar
Dowdy	Jones (TN)	Obey
Duncan	Kaptur	Ortiz
Durbin	Kasich	Owens
Dwyer	Kastenmeier	Packard
Dymally	Kazen	Panetta
Dyson	Kennelly	Parris
Early	Kildee	Patman

Pease	Schulze	Thomas (CA)
Penny	Schumer	Thomas (GA)
Pepper	Seiberling	Torres
Perkins	Shannon	Torricelli
Pickle	Sharp	Towns
Porter	Shaw	Traxler
Price	Shuster	Udall
Pursell	Sikorski	Valentine
Quillen	Sisisky	Vander Jagt
Rahall	Skelton	Vandergriff
Rangel	Smith (FL)	Vento
Ratchford	Smith (NJ)	Volkmer
Ray	Smith, Robert	Vucanovich
Regula	Snowe	Walgren
Ridge	Snyder	Watkins
Rinaldo	Spratt	Weber
Ritter	St Germain	Weiss
Robinson	Staggers	Wheat
Roe	Stangeland	Whitehurst
Roemer	Stark	Wilson
Rogers	Stenholm	Winn
Rostenkowski	Stratton	Wolf
Roth	Studds	Wolpe
Roukema	Sundquist	Wortley
Rowland	Swift	Wylie
Roybal	Synar	Yates
Russo	Tallon	Yatron
Savage	Tauke	Young (AK)
Scheuer	Tauzin	Young (FL)
Schneider	Taylor	Young (MO)

NAYS—73

Akaka	Gray	Reid
AuCoin	Gunderson	Richardson
Badham	Hansen (UT)	Roberts
Bartlett	Hertel	Rudd
Bereuter	Hiler	Sabo
Bilirakis	Jacobs	Schaefer
Brown (CO)	Jeffords	Schroeder
Broyhill	Kramer	Shumway
Burton (IN)	Lagomarsino	Skeen
Chappie	Leach	Slattery
Cheney	Lehman (FL)	Smith (IA)
Coats	Lent	Smith (NE)
Conable	Livingston	Smith, Denny
Coughlin	Loeffler	Solomon
Craig	Lowery (CA)	Spence
Dannemeyer	Lujan	Stump
Daschle	Lungren	Walker
DeWine	Mack	Weaver
Dorgan	Marlenee	Whittaker
Dreier	McGrath	Williams (MT)
Edwards (OK)	Molinari	Wirth
Fiedler	Morrison (WA)	Wyden
Frenzel	Nielson	Zschau
Gibbons	Paul	
Gradison	Petri	

NOT VOTING—63

Bedell	Gregg	Olin
Berman	Hansen (ID)	Ottinger
Bethune	Harrison	Oxley
Biaggi	Hartnett	Pashayan
Boehlert	Hatcher	Patterson
Boner	Hawkins	Pritchard
Bonior	Hightower	Rodino
Bosco	Hubbard	Rose
Brooks	Hyde	Sawyer
Clay	Kemp	Sensenbrenner
Coelho	Kindness	Shelby
Crane, Daniel	Kogovsek	Siljander
Crane, Philip	Leland	Simon
Crockett	Lloyd	Solarz
de la Garza	Madigan	Stokes
Downey	Marriott	Waxman
Erlenborn	Martin (NC)	Whitley
Evans (IL)	Martin (NY)	Whitten
Fish	Matsui	Williams (OH)
Ford (TN)	Mazzoli	Wise
Gore	Mrazek	Wright

□ 1900

Mr. RICHARDSON and Mr. LENT changed their votes from "yea" to "nay."

Mr. MOORE and Mr. McCOLLUM changed their votes 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.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5504

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5504, the Clerk be authorized to correct section numbers, cross-references, and punctuation marks.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5504, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON H.R. 5798, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1985

Mr. ROYBAL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-830) on the bill (H.R. 5798) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MILLER of Ohio reserved all points of order on the bill.

REQUEST FOR PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 8, 1984, TO FILE PRIVILEGED REPORT ON A BILL MAKING APPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1985

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday, June 8, 1984, to file a privileged report on a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida.

Mr. HOWARD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

□ 1910

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority whip about the program for the balance of this week and next week.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield to me?

Mr. MICHEL. I am happy to yield to the majority whip.

Mr. FOLEY. Mr. Speaker, we have concluded the business for today and for the week. The House will not be in session tomorrow. It will be my intention to ask unanimous consent that when the House adjourns tonight, it adjourn to meet at noon on Monday next.

On Monday, District day, there will be one bill for consideration: H.R. 5565, to transfer land from the Capitol Architect to Metro.

And under suspension of the rules, six bills will be considered, as follows:

H.R. 5525, Semiconductor Chip Protection Act of 1984;

H.R. 4772, Vietnam Veterans of America (Charter);

H.R. 5600, preventive health services block grant authorization;

H.R. 5603, alcohol-drug abuse and mental health program authorization;

H.R. 3979, Comprehensive Smoking Education Act; and

H.R. 5496, Public Health Service Act amendments.

Recorded votes will be postponed until after debate on all suspensions.

Following the debate and votes on the suspensions on Monday, the House will consider H.R. 1510, the Immigration Reform and Control Act, subject to a rule being granted, considering the rule and general debate on Monday only.

On Tuesday and the balance of the week, June 12, 13, 14, and 15, the House will meet at noon on Tuesday and at 10 o'clock for the balance of the week to consider H.R. 1510, the Immigration Reform and Control Act, to complete consideration.

The House will adjourn by 3 p.m. on Friday. Conference reports may be brought up at any time, and any further program will be announced later.

It should be noted that it is anticipated, assuming the rule is adopted on the immigration bill, that we will be holding sessions on Tuesday, Wednesday, and Thursday which may extend into the evening hours, the House perhaps working as late as 10 p.m. each night to consider that legislation.

The House in any case will adjourn by 3 p.m. on Friday, as is our usual practice, in the event a Friday session is held.

Mr. MICHEL. Mr. Speaker, I was going to inquire of the distinguished gentleman whether or not he anticipated that we would be here on Friday.

Mr. FOLEY. Well, again I think it is subject to completing the schedule. If the immigration bill can be completed prior to Friday, there will be no Friday session. If it is not completed prior to Friday, there will be a Friday session.

Mr. MICHEL. And Members should be advised that we will be working late on Tuesday, Wednesday, and Thursday, for sure, as late as 10 o'clock.

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. And if we have to go over into Friday, would Members be free to leave at 3 p.m.?

Mr. FOLEY. Yes. If we do work on Friday, it is the intention to adjourn no later than 3 p.m.

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

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

Mr. WEBER. Mr. Speaker, I thank the leader for yielding.

I wonder if the distinguished majority whip could respond to a question. Many of us are interested in the equal access bill which, of course, failed to get the necessary two-thirds vote under suspension of the rules but which did receive a substantial vote majority. Often it has been the practice, when bills are defeated on the Suspension Calendar but get a substantial majority, that they are scheduled under the regular calendar, and I wonder if the majority whip could tell us if the majority has any plans this week or, frankly, at all in the future to bring the equal access bill to the floor on the regular calendar.

Mr. FOLEY. Mr. Speaker, will the gentleman yield further?

Mr. MICHEL. I am happy to yield to the majority whip.

Mr. FOLEY. Mr. Chairman, I appreciate the gentleman's question.

The chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), has requested a rule on the legislation that the gentleman from Minnesota mentioned, and that request has been submitted to the Rules Committee, but the Rules Committee has not yet held a hearing on the request. So I cannot advise the gentleman further. But the request is before the Rules Committee.

Mr. WEBER. Mr. Speaker, I thank the gentleman.

Mr. MICHEL. And, Mr. Speaker, I would emphasize again, I think, to our Members reading the RECORD particularly, that we will definitely have rollcalls on Monday. They may be a little later in the day, but there will definitely be rollcalls, will there not?

Mr. FOLEY. Mr. Speaker, I am glad the gentleman made that point.

Of course, it is impossible to say with absolute certainty that there will be rollcalls, but I think any Member with experience in the House shoud assume that there could be many rollcalls on Monday. Six bills are scheduled under suspension of the rules, there is one bill on district day, and there is the rule on the immigration bill, which almost certainly will be conducted by a rollcall vote. So Members are wisely advised by the distinguished Republican leader to consider the likelihood of several rollcall votes.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

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

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

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am just interested in the first bill that leads off the calendar for next week, the transfer of land from the Capitol Architect to Metro. Do we have any idea what that bill is about?

Mr. FOLEY. Mr. Speaker, I am not personally aware of the details of the legislation. I do not see any member on the floor from the Committee on the District of Columbia which is involved. The gentleman may have to make that inquiry of the Committee on the District of Columbia. I am not aware of the details myself.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, JUNE 11, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The Speaker pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WEBER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

SPECIAL ORDERS GRANTED

Mr. FRANKLIN. Mr. Speaker, I ask unanimous consent that following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks and include therein extraneous matter:

Mr. MORRISON of Washington, for 15 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. DENNY SMITH, for 5 minutes, today.

Mr. LOTT, for 10 minutes, today.

Mr. MCDADE, for 5 minutes, today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I will not object, but I take the time so that I may yield to the gentleman from Washington for a moment, who I understand has an answer to my question about the first bill on the calendar for next week.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I have some general information that may help give some enlightenment on the legislation, H.R. 5565, the transfer of land from the Capital Architect to Metro. I am advised that the Green Line, the subway line of Metro, would normally require the taking of some land in Anacostia which is under the Architect. It consists of certain greenhouse buildings and property, and the legislation transfers this to Metro subject to reimbursement in kind of similar lands to be restored to the jurisdiction of the Architect. Normally speaking, of course, there would be a right of condemnation, but in this case, because it is under the jurisdiction of the Architect, this transfer is required.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Do we have any idea what the repayment in kind is going to be?

Mr. FOLEY. Mr, Speaker, I think further details would have to be elicited when the bill is debated on Monday. I am not able to give the gentleman any information beyond that.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WHITE HOUSE CONFERENCE ON INTERNATIONAL TRADE

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

Mr. WATKINS. Mr. Speaker, In 1981 I wrote a letter to President Reagan asking that he convene a bipartisan economic summit concerning the recordbreaking deficits that many of us realized and could see that were going to occur.

The President never called that bipartisan domestic economic conference, but I would like to point out today there is an economic summit taking place in London. I only wish that the President would have had an economic summit, a bipartisan one, between the Democrats and Republicans of this Nation to address the record-breaking domestic deficits.

But today, Mr. Speaker, I have introduced a bill calling on the President to convene a White House Conference on International Trade. Next to the domestic deficit, I can think of no financial subject which should be of more concern to us than the international trade deficit, particularly being that for the fourth consecutive month, the United States has experienced a recordbreaking balance of trade deficit.

The April deficit figures were $12.2 billion, following minus reports of January's $9.5 billion, February's $10.1 billion, and March's $10.3 billion. The first 4 months of 1984 thus have totaled a negative $42.1 billion, which is 60 percent of the 1983 deficit in one-third of the time.

If the projections hold true, then the deficits accumulated in the 4 years from 1981 through 1984 will be 200 percent greater than all the trade deficits since 1946, a period that encompasses the seven preceding President's administrations and the prior 34 years before President Reagan.

How long is the United States going to bumble along, like Mr. Macawber of Charles Dickens fame, hoping that something will turn up?

I say we have waited long enough and must establish a coherent, comprehensive international trade policy which will be as firm as our defense policy.

We are being out "horse-traded" on almost every front. It is like two fellers swapping dollar knives and the best trader getting a dollar to boot.

There are, of course, other factors. For one, this administration with its record domestic deficits and inflexible fiscal policies, has forced the value of the dollar to unprecedented highs in relation to foreign currencies and either cannot or will not do anything about it.

One administration embargoes soybeans and a dominant trade partner puts Brazil in the soybean business.

Another administration embargoes grain, and our agriculture trade partners pick up the slack.

An administration withholds oil field production and gas transmission equipment and machinery, and thousands more domestic jobs are lost.

Japanese automobiles displace millions of American wage earners and taxpayers. Imported steel destroys the domestic production capabilities and throws thousands more on the unemployment rolls.

This administration offers a payment-in-kind program to the Nation's farmers, who reduced domestic production 11 percent, and a PIK-cost to the taxpayers is estimated at between $20 billion to $35 billion, no one knows for sure. PIK did not reduce the world surplus nor raise domestic farm prices to parity. Our competitors seized on the obvious opportunity and increased their production a like percentage.

As the saying goes, "It takes two to tango." The United States cannot unilaterally set world trade policies.

A few points, Mr. Speaker:

First. The United States has no foreign trade policy. We have the U.S. Trade Representative, the Secretary of Commerce, the Secretary of Agriculture, plus the Secretary of Defense, the Secretary of State, and others, flouncing around in their own fields of interest trying to use trade as it applies to their peculiar interests. They, and the people who serve with them, are honorable people and are doing the very best they can under trying circumstances. Let us try to help them.

Second. For 11 of the past 14 years, the United States has experienced negative balances of trade. The cumulative negative value of trade deficits is $263.3 billion. And 61 percent of that has been in the past 4 years. These calculations do not include any of the current years' figures.

Third. From 1946 through 1969, the United States showed a positive balance of trade each year, totaling $94.2 billion. There were 3 plus years from 1970 to 1979, yet that decade resulted in a cumulative net deficit of $104 billion.

Fourth, during the 4-year period of 1980 through 1983, and including the present year, there has not been a quarter in which a positive balance of trade was recorded.

Fifth, the first 4 months of 1984 have shown a trade deficit of $42.1 billion, nearly 50 percent of the entire deficit accumulated in 1980 through 1982, and 60 percent of last year's $69.4 billion. Projections are that the deficit this year will exceed $126 billion. The Director of the Institute for International Economics stated that "there's no end in sight" to the deficits.

I find that attitude unacceptable. We can do something about it.

The Congress, the President, and the executive branch, along with businessmen, industrial leaders, bankers, and agriculture producers of this Nation—the best thinkers of the world—should get together and do something about it.

Let me recap: From 1946 through 1970, the United States enjoyed a plus balance of trade of $96.8 billion. From 1971 through 1979, the net deficit was $101.3 billion. In the 4 years since 1980, the negative balance has been $159.4 billion. And if the projections are correct—and I have found projections made in the past few years to have been made well on the safe side—the 1984 trade deficit will equal 79 percent of the past 4 years' deficit and the Reagan trade deficit thus will be 200 percent of the previous seven Presidents' administration over the prior 34 years.

A few more items:

A. The export of agricultural commodities, of which the United States produces a bounty and is capable of producing even more, continues to decline at a time when our Nation's farmers are mired in economic conditions as severe or worse as those of the Great Depression.

B. The decline in agricultural exports comes at a time when many people of the world are starving while the United States has grain and other agriculture products rotting in warehouses.

C. The value of imported petroleum and petroleum products continues to be a major portion of the negative balance of trade while coal deposits in Oklahoma and other States remain unmined. Petroleum and natural gas wells are capped. Today's rotary rig count, a measure of domestic exploration activity, at 2,328 is 60 percent of 1981's 3,858, 79 percent of 1982's 2,931, but it is improving at 13 percent higher than the low mark of 2,062 of April 1983. Potential hydroelectric powersites remain undeveloped while utility rates continually escalate beyond somes' capacity to pay to stay warm or to cook.

D. Changes in worldwide commerce, manufacturing, industrial competitiveness, and technology indicate the world is in an unprecedented, incomplete industrial revolution.

E. For each dollar of negative trade balance there is a corresponding loss of domestic jobs, further costs to the taxpayers for unemployment compensation or retraining and retooling, loss of taxpayer income, and a reduction of the gross national product. This does not include the incalcuable loss due to human misery, anxiety, family disruption, mental health, crime, and other attendant social problems.

F. For each dollar value of agriculture commodities stored in the United States and not made available to desiring world markets, there is a corresponding decline in agricultural productivity, and a direct burden on the U.S. taxpayers for payment of storage, commodity quality maintenance, and the cost of interest on money borrowed by the Treasury to pay those cost factors.

G. There is a need for regional trade centers within the United States so that producers, manufacturers, and providers of services may meet in the different geographic areas—which

produce different goods and services—with potential exporters, private individuals, companies, or representatives of foreign governments.

H. There is a loss to the U.S. gross national product and a lessening of domestic economy growth potential for the goods and services which are available or can be made available but are not exported.

I. There is an imperative need for a national international trade policy to increase, coordinate, and expedite measures which will increase the export of, and demand for, U.S. goods and services with a corresponding increase in domestic jobs.

Mr. Speaker, I call on my colleagues in this body, as well as those in the other body, to proceed rapidly, yet with sound reasoning, toward the enactment of this legislation, calling for a White House Conference on International Trade.

This legislation calls for the Conference to devise a policy on international trade, submit a report to the President within 180 days after adjournment, and the International Trade Representative, in consultation with the Secretaries of Commerce and Agriculture, to submit recommended legislative and regulatory suggestions within 90 days of that to the President and the Congress. Let us get on with it.

I fear we may have already waited too long as it is for "something to turn up," and to recapture lost markets and lost jobs.

MATHEMATICS, SCIENCE, AND TECHNOLOGY HIGH SCHOOL ACT OF 1984

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

Mr. COLEMAN of Missouri. Mr. Speaker, I would like to bring to the attention of my colleagues a bill which I have introduced today, the "Mathematics, Science, and Technology High School Act of 1984."

It has been widely reported that our Nation's educational system is being challenged by our competitors throughout the world. The scare of the Soviet satellite sputnik in 1957 caused enrollments in mathematics and science at the high school level to peak. Unfortunately, they have been on the decline ever since. This decline explains why there are so many students who fresh out of high school are not well prepared enough to tackle college level science and mathematics courses. Between 1975 and 1980, remedial mathematics courses in public 4-year colleges increased by 72 percent and now constitute one-quarter of all mathematics courses taught at those institutions.

Currently, less than half of America's high school students are enrolled in at least one or more science or math course, and less than 7 percent of these students are taking either the physics or chemistry courses necessary for a college-bound science or engineering major. A recent Rockefeller Foundation report indicated that at the ninth grade level, the pool of students who are both interested and possess the skills to pursue advanced scientific/mathematic education paths and/or careers reaches its maximum size.

This bill is designed to assist our school districts in the planning and establishment of exemplary high schools which specialize in advanced science, mathematics, and computer technology instruction. The bill is also designed to provide incentives to postsecondary institutions which create linkages with local school districts to provide advanced instruction to high school students.

The bill creates three grant programs. The first program establishes planning grants. These planning grants would assist school districts with the costs associated with the creation and implementation of a planning process for an exemplary high school. Under this grant program, school districts would receive funds to develop specialized programs and curriculum in the areas of science, mathematics, engineering, and computer technology; train faculty in state-of-the-art instruction in high technology areas; identify and develop sources of private support for the school; and establish and design and direction of the school.

The second program provides grants to school districts to assist with, and contribute to, the startup costs of an exemplary high school. Under this grant program, funds may be used for acquisition of materials, supplies, equipment, and furnishings; development of curricular materials; renovations of existing facilities; hiring of specialized adjunct faculty; and costs associated with developing resource sharing with government, private business, industry, and local colleges and universities.

The third program establishes grants to assist postsecondary institutions in the development and implementation of partnerships with high schools in their local communities. These postsecondary institutions could use funds to purchase textbooks, materials, and supplies; pay teacher stipends; provide transportation for participating students; and develop resource sharing arrangements with local government, private business, and industry. Then partnerships would provide advanced instruction in the areas of mathematics, science, engineering, and computer technology for high school students. The instruction could be in the form of summer, after-school, or Saturday workshops.

Communities such as New York City, Chicago, Atlanta, and Houston, and States like North Carolina and Louisiana have proven that by combining limited financial resources, top-notch teachers, committed and promising students, and innovative uses of equipment and facilities, exemplary high schools can be created. They produce dramatic and impressive gains in student academic achievement. An illustration would be the students at the Bronx School of Science in New York City. Its students annually dominate the prestigious Westinghouse science talent search. That year they took 1st, 6th, and 10th places; 6 Bronx science students were in the top 40.

Schools like the Bronx School of Science in New York City and the North Carolina School of Science and Mathematics are attracting and training the most promising students in their communities. Postsecondary institutions like Hunter College and Massachusetts Institute of Technology are engaged in linkages with local high schools to provide advanced science and mathematics study to high schools. However, these efforts must be encouraged, strengthened, and broadened to the hundreds of other communities in our Nation.

At a time when financial resources are scarce and the need for addressing the growing inadequacies in our educational system is high, I believe that we should attempt to build these islands of excellence in many communities in our Nation. Multiplied over time, these islands of excellence could potentially transform American education to a point where the exemplary high school becomes the norm.

REMEMBERING D-DAY

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

Mr. LANTOS. Mr. Speaker, yesterday the sun broke through the cloudy skys of Normandy as if to pay its tribute to the thousands of heroes whose young lives were snuffed out in the first hours of D-day as the free societies of the world were unleashing their ultimate triumphant offensive to smash Hitler's tyranny in Europe.

In the midst of this turbulent election year it is critical that we pause for a moment to be reminded by the heroism of Allied soldiers on the Normandy beaches of all the fundamental things that bring us together, Democrats and Republicans and peoples of all free democracies.

President Reagan's moving and sensitive speech at our military cemetery at Omaha Beach dwelt mainly with

the thoughts of the late Pfc. Robert Zanatta, whose daughter Lisa—my neighbor from Millbrae, Calif.—joined us at Omaha Beach yesterday and hopefully spoke for her generation. She ended with a promise to her father, who died 8 years ago:

. . . Dad, I see the beaches and the barricades just like you wanted to do . . . I feel all the things you made me feel through your stories and your eyes. I shall never forget what you went through, Dad, nor will I let anyone else forget—and Dad, I shall always be proud.

All of us in the Congress wish to say to Private Zanatta and to all the men of honor and courage who fought beside him four decades ago: We will always remember. We will always be proud. And we will always be prepared so we may always be free.

President Reagan's speech follows:

TEXT OF REMARKS BY THE PRESIDENT AT UNITED STATES-FRENCH CEREMONY COMMEMORATING D-DAY

OMAHA BEACH,
COLLEVILLE SUR MER, FRANCE,
June 6, 1984.

We stand today at a place of battle, one that 40 years ago saw and felt the worst of war. Men bled and died here for a few feet or inches of sand as bullets and shellfire cut through their ranks. About them, General Omar Bradley later said: "Every man who set foot on Omaha Beach that day was a hero."

No speech can adequately portray their suffering, their sacrifice, their heroism. President Lincoln once reminded us that—through their deeds—the dead of battle have spoken more eloquently for themselves than any of the living ever could, that we can only honor them by rededicating ourselves to the cause for which they gave a last full measure of devotion.

Today, we do rededicate ourselves to that cause. And at this place of honor, we are humbled by the realization of how much so many gave to the cause of freedom and to their fellow man.

Some who survived the battle on June 6th, 1944, are here today. Others who hoped to return never did.

"Someday, Lis, I'll go back," said Private First Class Peter Robert Zanatta, of the 37th Engineer Combat Battalion, and first assault wave to hit Omaha Beach. "I'll go back and I'll see it all again. I'll see the beach, the barricades, and the graves."

Those words of Private Zanatta come to us from his daughter, Lisa Zanatta Henn, in a heart-rending story about the event her father spoke of often: "The Normandy Invasion would change his life forever," she said.

She tells some of his stories of World War II, but says for her father "the story to end all stories was D-Day."

"He made me feel the fear of being on that boat waiting to land. I can smell the ocean and feel the seasickness. I can see the looks on his fellow soldiers' faces, the fear, the anguish, the uncertainty of what lay ahead. And when they landed, I can feel the strength and courage of the men who took those first steps through the tide to what must have surely looked like instant death."

Private Zanatta's daughter says: "I don't know how or why I can feel this emptiness, this fear, or this determination, but I do. Maybe it's the bond I had with my father. . . . All I know is that it brings tears to my eyes to think about my father as a 20 year old boy having to face that beach."

The anniversary of D-Day was always special for her family; and like all the families of those who went to war, she describes how she came to realize her own father's survival was a miracle.

"So many men died. I know that my father watched many of his friends be killed. I know that he must have died inside a little each time. But his explanation to me was 'You did what you had to do and you kept on going.' "

When men like Private Zanatta and all our Allied forces stormed the beaches of Normandy 40 years ago, they came not as conquerors, but as liberators. When these troops swept across the French countryside and into the forests of Belgium and Luxembourg, they came not to take, but to return what has been wrongly seized. When our forces marched into Germany, they came not to prey on a brave and defeated people, but to nurture the seeds of democracy among those who yearned to be free again.

We salute them today. But, Mr. President, we also salute those who, like yourself, were already engaging the enemy inside your beloved country—the French Resistance. Your valiant struggle for France did so much to cripple the enemy and spur the advance of the armies of liberation. The French Forces of the Interior will forever personify courage and national spirit; they will be a timeless inspiration to all who are free, and to all who would be free.

Today, in their memory, and for all who fought here, we celebrate the triumph of democracy. We reaffirm the unity of democratic peoples who fought a war and then joined with the vanquished in a firm resolve to keep the peace.

From a terrible war, we learned that unity made us invincible; now, in peace, that same unity makes us secure. We sought to bring all freedom-loving nations together in a community dedicated to the defense and preservation of our sacred values. Our alliance, forged in the crucible of war, tempered and shaped by the realities of the post-war world, has succeeded. In Europe, the threat has been contained, the peace has been kept.

Today, the living here assembled—officials, veterans, citizens—are a tribute to what was achieved here 40 years ago. This land is secure. We are free. These things were worth fighting—and dying—for.

Lisa Zanatta Henn began her story by quoting from her father, who promised he would return to Normandy. She ended with a promise to her father, who died 8 years ago of cancer: "I'm going there . . . Dad, and I'll see the beaches and the barricades and the monuments. I'll see the graves and I'll put flowers there just like you wanted to do . . . I'll feel all the things you made me feel through your stories and your eyes. I'll never forget what you went through, Dad, nor will I let anyone else forget—and Dad, I'll always be proud."

Through the words of his loving daughter—who is here with us today—a D-Day veteran has shown us the meaning of this day far better than any President can. It is enough for us to say about Private Zanatta and all the men of honor and courage who fought beside him four decades ago: We will always remember. We will always be proud. We will always be prepared, so we may always be free.

□ 1920

RECOGNITION OF MEMBER FOR SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. McEWEN) is recognized for 60 minutes.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado (Mr. BROWN) be allowed to take his special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUSE RESOLUTION 518, SUNSHINE RESOLUTION

The SPEAKER pro tempore. The gentleman from Colorado (Mr. BROWN) is recognized for 60 minutes.

Mr. BROWN of Colorado. Mr. Speaker, I think all Americans constantly look for ways to perfect and improve our democracy that we cherish so much. In essence, what we have done as a people is committed the power of this country to individuals in this country. We based our faith and our passion in a system of government that comes from the bottom up, not the top down. In that commitment, we have sought for ways to more accurately reflect the views and the feelings of the people we are all elected to represent.

It is in that concern and in that light that I introduced yesterday the sunshine resolution, House Resolution 518, which I believe will help improve the democratic process of this House. It will help us represent our constituents better and help them understand the process as well as make input into our deliberations here. That is important, because the decisions that we make not only are important, but the fact that we represent them and voice their concerns are important as well.

I would at this point like to defer to a question from the gentleman from Pennsylvania, who has some comments with regard to this measure, and I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I want to congratulate the gentleman both for taking the special order in which to explain the rules package that he has brought forward and also for introducing this rules package. It is in fact a major movement toward trying to get this House to be responsive, responsive in the sense of being open to the public. The measures in this package which go toward having expanded television coverage in this House, which go toward having an elimination of proxy voting in the House, that go to cleaning up the CONGRESSIONAL

RECORD so that it is in fact an accurate representation of what goes on in the House, all these elements of the rules package, plus some others that the gentleman has in there, are major steps in the right direction, are steps toward a House which could be truly responsive to the people of this country.

I just think the gentleman deserves the commendation of all the Members of this body and certainly from the American people who feel that democracy can only flourish where openness and sunshine are truly advocated. The gentleman's rules package advocates just that.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman from Pennsylvania.

What we are dealing with in H.R. 518 is in fact a sunshine resolution for 1984 and 1985. I would like to review it briefly so that we can explore the areas that I think deserve and merit strong bipartisan support in improving our democracy.

First of all, I think the Members and the public at large are aware that the remarks that appear in the CONGRESSIONAL RECORD are not always the verbatim transcript of what is presented here on the floor. While each and every one of us I think would understand the need to correct grammar and correct punctuation, to be willing to correct typographical errors, I think everyone shares my concern that the substance, the real substance of what is said in this body should not be lost or should not be changed.

I would simply refer many of the Members to some of the instances in the debate when two Members will be debating and one makes a misstatement or one finds himself embarrassed by a point made on the other side, or facts are brought to light in that debate that substantially affect the issue that is before the House.

There are instances where individuals have gone back and changed those remarks so that the real substance of what is involved in that discussion is lost to the RECORD forever.

I would hope one of the major purposes of this is to give us a clean and honest record of the House proceedings; so the first measure the No. 1 measure in the sunshine resolution is to require accuracy and honesty in the CONGRESSIONAL RECORD. It permits grammatical changes. It permits correction of typographical errors, but it does insist that this historical RECORD be an accurate one.

I think that is important for our concern for democracy and the democratic process. How else can our voters judge us and our actions if the RECORD itself is doctored.

So the first measure for sunshine is to deal with that RECORD and make it honest and open.

I see my colleague is here from California. I yield to the gentleman.

Mr. DREIER of California. Mr. Speaker, could the gentleman explain to us exactly how that RECORD is kept and how Members can insert items without having made statements right here on the floor?

Mr. BROWN of Colorado. There are, of course, a number of potentials. One, of course, is to make those remarks here on the floor, but of course our rules presently allow extensions of remarks so that not only the things that are said on the floor, but things they choose to add later on that have never been said on the floor can be added.

This new rule change does not eliminate a Member's ability to do that, but it does say simply that ought to be marked so that the citizens of our country have some idea that that process has been followed.

Obviously, we are entitled to submit additional items to be printed in the RECORD, but what is important I think is for the RECORD to be done in such a way so that the voters or our constituents can clearly understand what process has been followed in putting these things in the RECORD.

Mr. DREIER of California. So is the gentleman recommending then that we have that bullet which we now see on extensions of remarks which are offered at the end of the day, is that part of the proposal?

Mr. BROWN of Colorado. I believe that is an important part of accuracy in the RECORD, because that will give the reader of that RECORD a clear idea of what indeed was said on the floor and available for comment and criticism.

Mr. DREIER of California. It sounds like a very good recommendation and I wholeheartedly support the gentleman's efforts on it.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman from California.

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

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. Is the gentleman saying then that where the statements were not actually made during debate or on the floor, but were inserted rather, that those words, this passage was inserted or this statement was inserted in the RECORD, that that would precede the statement as it appeared in the RECORD?

Mr. BROWN of Colorado. Well, that portion of the rules would not change. This merely affects a Member's ability—the rule change here affects a Member's ability to revise what he or she may have said on the floor. It does seem to me that it is perfectly proper for us to require that kind of identification, though, for things that are inserted into the RECORD.

Mr. HUNTER. Mr. Speaker, if the gentleman will continue to yield, I think that is something perhaps we should look at, because I think that while we understand that the bullet that the gentleman from California was referring to means that in fact those words were not spoken on the floor, but rather were inserted in the RECORD, most of our constituents do not realize that; so when they see a copy of the CONGRESSIONAL RECORD or a Xerox copy of a statement, the bullet or the absence of it has little significance to them. I think that would be perhaps an interesting thing.

Another thing, the gentleman stated is that when we change our remarks, that changes the whole context of the conversation or the debate that occurs between Members. I think the gentleman is making an excellent point because you may say something, I may reply in rebuttal to what you said and then you may respond to what I have said. If I change my statement, then that affects the context in which your statement is taken by the public that is reading the debate, so we end up really I think clouding the debate or confusing the debate when the participants are allowed to amend and to change their statements.

Mr. BROWN of Colorado. I think the gentleman makes an excellent point and I would guess many of our constituents simply were not aware that that sort of chicanery could go on under the current rules.

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

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. McCOLLUM. I am very pleased to see the gentleman introduce this legislation. It occurs to me there is an even more fundamental point than fooling the public or whatever. Most of the courts of this country interpret what we have spoken in the legislative law itself by looking at what was spoken on the floor.

□ 1930

Many times a court will come along and read what the Members had to say and the argument that went on on the floor and say well, this is what the congressional intent was. And if the Member has said one thing on the floor, perhaps another Member would not have made a comment because he or she thought that that was covered by a dialog that went on just before. Yet under the rules, we have the right now where there could be doctoring, in essence, where you can change that completely and the intent, as the courts may later interpret it, can be far different from what other Members thought they were hearing and thought was being protected at the time the debate went on.

So there is a great deal more to your amendment than simply a question of accuracy for the purposes of public consumption. And I commend the gentleman for making the effort to get us on the right road.

Mr. DREIER of California. Will the gentleman yield?

Mr. BROWN of Colorado. I am happy to yield to the gentleman from California.

Mr. DREIER of California. I am curious to know, then, and I thank the gentleman for yielding, if it would be possible for a Member to stand here on the floor of the House and take a position on an issue and alter the RECORD in such a way that it would look as if he took the opposite position, if he so wished?

Mr. BROWN of Colorado. Of course that sort of thing would violate, I think, the unwritten and in areas written code of ethics that membership in this body implies.

But, unfortunately, the mechanics are present under our current system that that kind of abuse could occur.

Mr. DREIER of California. That is further reason for us to support your resolution and I thank the gentleman.

Mr. BROWN of Colorado. I thank the gentleman.

The second item in the sunshine resolution is one that I think most Members will feel in strong agreement with. It provides for a complete and uncensored broadcasting of the House proceedings.

Lately we have had some disagreement about whether or not we should have open coverage of the Chamber in hours such as this one when you do not have a large attendance in the audience. It seems to me that disclosing the truth and the facts is always appropriate, that this body should not try to hide the number of people that are on the floor, that that kind of information should be available.

So the sunshine resolution calls for that kind of TV coverage.

I might mention my preference in this area is to have as completely open televised system for our proceedings. My personal preference would be to have the cameras that cover this room controlled by the media, and in that competitive market for information I think they could inform the American citizens far better than the controlled system we now have.

So what is in the sunshine resolution is a very modest proposal. It is only part of what I would like to see us move to.

But what it does insist on is an accuracy in reporting and a consistent policy with regard to spanning the Chamber, not just spanning it when people you disagree with are speaking or spanning it when people you agree with are speaking, but spanning it on a consistent basis.

I might mention also when we are having votes I would hope that we would have the cameras cover not only the votes, how that vote is going, but how each individual Member is voting.

I think we are past the day and age when the television coverage of this House should be to mislead the public or used to mislead the public, or should be used in a partisan basis or should be used to not convey the real information of what is happening in this House.

Mr. HUNTER. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I was just going to say that I think you have hit on something that I had not thought about before. But is the gentleman from Colorado saying that after a vote, perhaps the cameras should flash up and should show how the Members voted on the Members' scoreboard so that the people who are sitting back in their hometowns, in communities throughout America who are watching C-SPAN can say, wait a minute—my Congressman is Congressman JONES. There he is right there and he voted "yes" on this particular issue. Is that what the gentleman is suggesting?

Mr. BROWN of Colorado. I think that is exactly what I had in mind. Frankly, the fact that we do not do that means that we are covering up how Members are voting. And it seems to me in the spirit of openness of this body that we should not attempt to cover up how Members vote.

Mr. HUNTER. I thank the gentleman.

Mr. BROWN of Colorado. That information is not always available in people's home papers or radio or television coverage. But people who watch the proceedings on the House floor are interested in how they are being represented, and it seems to me that is the very minimum they should expect in terms of knowing how the vote that represents them is being cast.

Mr. HUNTER. And since it is a visual vote, it could take just a few seconds to flash it up there and people could look for the name of their particular Representative and ascertain how they voted.

Mr. BROWN of Colorado. That is exactly right. I think, as many people know, the system we follow here in the House has a color coded light next to the individual Member's name. By simply glancing at the board, they can tell how their Member voted by simply looking at the color that is adjacent to that name.

Mr. McCOLLUM. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. McCOLLUM. I think this is another excellent proposal in your bill and I think one of the reasons why, in addition to letting people know how folks vote, if you look occasionally in the audience during the regular debate that goes on here on the floor, I think there will be more of an awareness by the public of the fact that many times there are not a lot of Members on the floor of the House during regular business.

Now, is that good or is that bad? You always have, I am sure, constituents; I have them coming up here and coming to the galleries. One of the things, if they have never been to Washington before, that they are most impressed with is the gallery and they are usually chagrined that there are very few people here unless it is some unusual debate.

But that is an ordinary thing here, because we are different from the legislative bodies in the State legislatures, at least in my State, where the committee work is being done at one time and then the work being done in the way of vote is at another time. And I think we should not shock the people when they come to Washington. They should be shocked initially and let them know what it is like.

Our Government is so big and we are doing so much work that we have to do it this way.

I do not think Government ought to be this big and I do not think the gentleman from Colorado thinks it ought to be, either. But nonetheless we should not be fooling the public about that factor either.

I think your bill would make a good point in that regard.

Mr. BROWN of Colorado. I certainly agree with the gentleman's point. The fact is that the rules of this House should not be manipulated, as at times they are now, to hide the truth of the proceedings on this floor from the public. That is what this sunshine proposal is all about.

Mr. DREIER of California. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. DREIER of California. I thank my friend from Colorado for yielding.

I would like to know in my office when I have the television on and we go into a recorded vote, the screen is covered up and we see the numbers going up and down, and I was told when I first got here that the reason that they do not show the floor of the House at that time is that they do not want to have the audience witness the twisting of arms and that sort of thing going on when a vote is taking place.

Does your proposal include modifying that?

Mr. BROWN of Colorado. It does, indeed. It seems to me that that is part of the legislative process.

Mr. DREIER of California. It certainly is. I have found that from my experience.

Mr. BROWN of Colorado. We should not have the rules of this House hide that from the public. The American citizens are entitled to know the truth.

Mr. DREIER of California. I wholeheartedly agree with the gentleman, and when he is twisting my arm in the well sometime in the future, it will be nice that the audience will be able to witness that.

Mr. BROWN of Colorado. I do not know of anyone in this Chamber that would dare twist your arm in the well.

The third ingredient in the sunshine resolution is one that removes the secrecy surrounding the signing of discharge petitions. I think it will be of a shock to many Americans to find that this Chamber clouds the discharge petition process in secrecy and refuses to allow the public to know the names of individual Members who sign that discharge petition.

I think, as the Members are well aware, those discharge petitions are necessary because when a committee chairman will refuse to bring a measure to the floor for a vote by the elected Representatives of this country, there is an alternative and that alternative is for the Members to sign a discharge petition. And when we reach a majority of the Chamber, that then can effect a discharge from the committee. And it is an essential ingredient because the democracy of our country depends on us being able to get a recorded vote or a vote on the issues of concern to this Nation.

We need look no further than some of the abuses that have occurred in this session with regard to some of the crime bills that have not been permitted to come to the floor. The Immigration Act has currently been bottled up in this Congress for months on end. Hopefully, that is coming to an end next week.

Mr. MACK. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MACK. I think it would be helpful if we put in context what the discharge petition is used for. And I think as we go through, as you have just been mentioning it, it becomes fairly obvious as to why it has been kept secret all these years as to who is signed on to a discharge petition.

Again, remember a discharge petition is used to discharge a bill from a committee because the Speaker or the leadership says that they do not want that piece of legislation to come to the floor of the House to be voted on. And as the Rules of the House were developed over the years, it was agreed that a discharge petition would be allowed, that is, if a certain number of Members of the House were to sign that—in essence saying that we demand that that legislation come to the floor of the House—it would allow for the power of the Speaker to be circumvented, or the power of the schedule to be circumvented and to bring the legislation directly to the floor.

□ 1940

So by keeping it secret, though, what it really meant was that if someone, let us say, back home were to ask me, would I sign a discharge petition so that we could get the number up to 218, I could say to them, well, certainly I have signed that discharge petition, fully realizing that no one would ever know whether I did or did not, therefore really taking the pressure off me to be the 215th, 216th, 217th, that would finally put the discharge petition to the point where they would have to bring the legislation to the floor.

Mr. DREIER of California. Will the gentleman yield?

It is interesting that a Member could sign that discharge petition, tell the person at home that they had signed that petition to force the legislation to the House floor and then go back the next day and scratch their name off that discharge petition, and no record would be made of that whatsoever, publicly.

Mr. MACK. I understand, I think it was the last session of Congress, when there was the attempt and finally it was successful through the use of the discharge petition, brought the balanced budget amendment to the floor of the House for debate.

What happened was that as the number got closer to 218, some of those people who had signed on before were talked out of it, some people say that there may have been a little pressure applied to remove that individual's name from the list; but what happened is that some of us caught on—I should not say us, I was not here at the time—some Members caught on; they got 14 or 15 or 16 to agree to go down all at one time so they caught the opposition off guard and the 218 number was reached.

But the point I am raising and the reason I support wholeheartedly your resolution particularly in this area of a public discharge petition is because it really does make Members be accountable. That is what we are asking for.

When your constituent back home says, "HANK BROWN, are you on that discharge petition?" they are going to know whether HANK BROWN is on there. They have the right to know that. They have the right to be able to demand of their Representative that he sign.

If he does not want to sign, that is perfectly all right. But we just want to provide the opportunity to let the American people know whether they are signed on or whether they are not.

So I really compliment the gentleman for including that in the resolution.

Mr. BROWN of Colorado. The gentleman I think has made a superb point in this regard. Let me give a practical example, because the gentleman referred to it earlier on the discharge petition that affected the balanced budget amendment to our Constitution.

I do not think it is a secret that the leadership of this body has not been willing, unfortunately, to bring the balanced budget proposal to the floor. I say unfortunate because I think the polls clearly show that the American people favor that measure.

One of the things that happened in a previous year was that a number of people signed on as sponsors of that balanced budget resolution, knowing that it would not come to the floor; at least some of them did.

What we found was that because the discharge petition was secret, people did not know who was willing to stand up and ask that that measure come to the floor. What we had occur in this very Chamber were people who were holding out to the public that they were sponsors of the balanced budget resolution; when it finally came for a vote, because it was forced to, because of the discharge petition process, voted against it.

In other words, Members who had told their constituents that they were sponsors of that amendment voted against that when it came up for a vote. And I think the discharge petition eliminating the secrecy surrounding the discharge petition process, opening it up to the public, will serve our public far better; knowing the facts, which I think is an essential element of democracy, is the key toward better representation on this issue as well as others.

Well, the fourth major item that is included in the sunshine resolution of 1984-85 is one that calls for the elimination of phantom legislating by abolishing the proxy voting system present in many of our committees. I think it may come as a shock to many Americans that this body unfortunately follows a phantom voting process whereby proxies are cast and votes are cast in committees without the Member being even present in that committee.

That means literally that a Member's vote would be cast for or against a measure or for or against an amendment, without that Member even being present in the committee or even knowing what was before that committee.

And I think this may be one of the most fundamental problems that we face in the House process.

I say that for this reason: The experience that I had in the State Legislature of Colorado reflected oftentimes that most of our votes were not particularly partisan votes.

Oh, yes, there were partisan votes, but most of them were not partisan. On most of the votes, men and women would sit down, in good conscience, listen to the evidence, listen to the witnesses, listen to the amendments that were offered, often we found that party lines were crossed, that men and women interested in the good of the State came together in a feeling of what made good legislation.

I find that sadly absent from many of the proceedings here in the House of Representatives. I think the Representative suffers from it. What is lost is not just the camaraderie, what is lost is the very essential ingredient of democracy, of people sitting and listening to the facts and developing a response based on those facts.

And a proxy voting system sounds a death knell to that very important democratic process because what happens is, instead of being there to listen to the facts, someone simply gives a ranking Member or the leading Member their proxy and leaves the committee; is not there to hear the facts, is not there to make up their own mind; is not there to cast the constituents' votes.

So, you have legislation being drafted by a handful of people who hold the proxies. Often the majority members on that committee may well run that committee on many issues simply by themselves, because they hold the proxies.

So the proxy voting system is used now to allow us to not do our work on Mondays and Fridays because it does not force us to hold committee hearings at times when Members can be there. So it permits going to a 3-day workweek instead of a full workweek.

It allows legislation to take place concentrating power in the hands of a few instead of in the hands of many Members of the body, and it destroys the very essential ingredient to a democracy, I think; that of the process of learning about an issue and debating and working on it together.

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

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I think once again the gentleman has hit a key frustration perhaps that is experienced by many Members of this body.

You know we are all advocates in a way. We advocate a position that our constituents take; we advocate our positions that reflect the feelings in our districts and perhaps our feelings for what is best for the country.

And there is nothing more frustrating I think, than sitting in a committee room when a vote is being taken and you think you have a persuasive argument; an argument that is going to move many Members on the Republican and Democratic sides to vote your way, and you think you have got a good argument, and you sit there and you make this argument to an almost empty Chamber because the Members who are going to vote did not show up to vote but rather gave their proxies to the chairman or to the ranking Member or to one of the Members who perhaps has an opposite point of view from yours.

So, instead of having the opportunity to persuade people to change their mind, which is one business that we are in, we are here to be advocates, you sit there and talk to an empty room and the vote is concluded, is decided before you ever get a chance to make your pitch to try to persuade people.

I think again we are driving ourselves out of this democratic process, a very important element in the democratic process; and that is the opportunity to persuade people to see things the way you think they should be seen or at least to make your best argument for your position.

Mr. BROWN of Colorado. Mr. Speaker, I think the gentleman really has hit the nail on the head with that. So often I have talked to people who have come thousands of miles to testify on an important issue, one that they perhaps know more about certainly than anyone on the committee does, and much to their surprise or chagrin, they go that that committee hearing and find there are only one or two Members present out of a very large committee, and of course they are disappointed, shocked, that they have spent the time, money, and effort to come and simply not even be heard.

Eliminating this phantom voting, proxy voting idea, I think would do more to improve the quality of our legislation to correct that particular problem than any other single measure I can think of.

I yield to the gentleman from Florida.

□ 1950

Mr. MACK. I would like to tie in a couple of points that have been made so far because they do kind of fit together.

The point that we have been raising is that we feel that the floor of the House should be panned on a regular basis just like is happening here in special orders. We do not have any concern that the House may be viewed as an empty shell, because what happens is that once this begins—well, let us just take special orders. When the floor of the House is panned now and there is no one here, the question is raised, well, where are Members of the House during special orders? And the very realistic response is that, well, there are other things that are going on. Some of the Members are on their way back home. That is a very legitimate thing. Nobody should be embarrassed by that.

This is our only opportunity to talk about the issues that concern us, the American Agenda, as we have referred to it. So there is nothing wrong, there is no embarrassment that anybody should feel because the Chamber is empty.

But then when you move to the next question, that is, suppose the cameras should pan the floor of the House during the rest of the day. I mean when some questions are coming up about how we are going to spend $8, $9, $10 billion and we only find that maybe 15 Members of the House are here. Maybe there are 30 members of the staff who are here, but 15 Members of the House. Then the question begins to develop, well, I understand why those fellows are not on the floor during special orders because, after all, it has been a long day. I mean, yes, they have concluded their normal legislative business, but the question really comes up then during the day, if they are not on the floor of the House during special orders, well, certainly they are on the floor of the House during normal business activity. The answer is, no, they are not.

What we are told, at least what I was told when I came here a little over a year and a half ago was the reason Members are not on the floor of the House, in case people come into the gallery and wonder where everybody is, they are back doing the most important work that they can do. They are spending the most effective use of their time in committee.

Now what the gentleman is saying, what the gentleman has implied, is that, wait a minute, that is not really the case because they have to use proxies, they have to vote by proxy, which says to me that they are not there.

The question then comes up: If they are not on the floor of the House during special orders, and they are not on the floor of the House during the normal business day, and they are not in committee, then I think it is a pretty legitimate question to say, where are they?

You know what the next response is? The next response is oh, they are in another committee. Well, some Members around here have two major committees and two subcommittee meetings that they are required to attend.

The question I would pose is: Who is doing the work here? You cannot be on the floor of the House all day long. You cannot be on the floor of the House during special hours. You cannot be in each committee hearing. Then why have all these things been set up if it is impossible to meet them.

So I would suggest to the gentleman the reason that we are having some trouble getting people to listen, that is from the leadership standpont, to

listen to the questions that we are raising is because it really exposes what is going on up here. That committee assignments have really been doled out for the purpose of making a political pitch back home. "I am too important to replace me. I am on two major committees, two major subcommittees. I have a lot of impact and a lot of knowledge that I have learned."

But when you really start to delve into it, where are they?

Mr. BROWN of Colorado. The gentleman makes a very telling point and I think those who are familiar with how our House operates certainly can appreciate it. Indeed, the response you get when you talk about this is that you have to have proxy voting because I may well have two committees that meet at the same time.

Let me suggest that that is an absolute tragedy because unfortunately some of our committees do meet at the same time.

The irony, though, and this really gets to the heart of why this change in proxy voting is so essential, the irony is this: Many of our committees simply meet on Wednesdays and perhaps Tuesdays and a few on Thursdays for part of the day.

And the point is that they have not developed a full 5-day workweek for the committees.

You say, is that possible? Most of our legislatures in the Nation have solved this problem. The way they do it is very simple. If you are assigned to two committees, and most Members in the House are assigned to two committees, some fortunate are assigned even a third one. If that happens in the State legislature, all they do is say that the committees in category A meet on Mondays and Friday, committees in category B meet on Tuesdays and Wednesdays, and committees in category C meet on Thursdays. The days are not important. What is important is that you have general categories of committees and a variety of times when they meet so they do not have duplicate times.

In other words, the problem of being on several committees is not insolvable. It is not one that the mind of man is incapable of dealing with. The simple fact is it is dealt with by most legislatures in the entire Nation, dealt with satisfactorily.

The reason we have not gone to that very logical approach is because of proxy voting, because of proxy voting they have consolidated the committee meetings for the very purpose of not having people there, to make the power of that committee concentrated into the hands of a few people, to hide from the public what really is going on.

And the change in the proxy voting will not only mean much better legislation, but I believe it will force onto this House a 5-day workweek. Now I do not think that is beyond Members of Congress. Most of them are very hard working people in their own right. I think most of the voters in this country expect people to put in at least a 5-day workweek. There is no reason that the Members of the House could not do that. The simple fact is that the gentleman from Florida and the gentleman from California are ones who take their responsibility seriously and they are here through a full day and are willing to explore issues even after the regular session has gone on.

Unfortunately, the proxy voting gimmick prevents the House from solidly addressing the work issue that most Members unfortunately have avoided.

Mr. MACK. Just one more point, if I could, to expand on the gentleman from California's point.

It is a little bit disheartening, the fact is it takes a lot of the incentive away to go to a committee hearing fully prepared to make what you think is a very logical, educated debate about a particular subject and enter into that with maybe half of the members there, maybe three-quarters, maybe 25 percent and find that those who have come, who have entered into the dialog begin to see that the points that you have made do have some value. And that yes, there is maybe some reason to consider the points that you have made. Yes, you might even be able to get those who were there maybe just think twice about their vote and even sometimes to vote with you.

But it is impossible to convince a proxy vote that they should vote with you. That is the part—when we are so outnumbered in the committees, in the committee ratio, in the first place, to not even have the opportunity to talk to those Members and convince them, or to at least attempt to convince them that our argument has merit.

So I think the point that the gentleman from California made is an excellent one.

Mr. BROWN of Colorado. I thank the gentleman.

The next item is the Sunshine Resolution of 1984-85 is one that I think is essential to a proper approach toward legislating in a responsible way. That is an area that many people do not think of, but oversight is an important function of this legislative body, to not only pass the laws but to undertand how those laws are affected, how they influence activities and how the administration of those laws is being handled.

Now, it is very clear, I think, to anyone who has followed investigatory committees that they do have an oversight process. But a survey in 1980 of House Members revealed that with regard to select committees and investigatory committees a full 77 percent of the Members responding indicated that the committees were not doing an adequate job of oversight. While only 15 percent felt they were.

Let me emphasize, this survey was not just done of Republican Members, it was done of both Democratic and Republican Members. And 77 percent of those who responded indicated we were not doing an adequate job with oversight.

I do not believe that this is a partisan issue. I think proper overshight of our legislative areas is an important function and must be followed up on. But it should not be done in a showboat fashion. It should not be done for a propaganda purpose. It ought to be done for the purpose it is meant for, for legislating, for correcting errors, for discovering problems.

Now, how can you improve it? Well, our sunshine resolution believes that we should adopt oversight agendas by each House committee within 60 days of the beginning of the Congress. That is important, because that lays out a regular plan for how we are going to proceed throughout the year. It makes the investigatory function, the oversight function, not one that is haphazard, not one that is subject to a political whim, but one that involves a systematic followup on the legislation that this country and this House must deal with. That, while not considered a particularly sexy change, is one that is very important for the proper functioning of this body.

□ 2000

The sixth change that is envisioned by the Sunset Resolution of 1984-85 is one that will provide for reliable and advance notice for the House floor work.

Now, various groups like the League of Women Voters and Common Cause and a number of States around this country have led the crusade to open up the legislative process, and a key ingredient is that the voters have an idea of when something is coming to the floor, that it does not come up at the last minute, that there is public notice when that is considered, so that citizens who want to make input can contact their legislators, can let their views be expressed and known. People can plan on when something is coming to the floor. So instead of it being an insider's game, where you pass something through on a trick or a surprise, or scheduling in an unforetold moment, when other Members or the public in general cannot make an input, that you have a legislative calendar, that you do at least have several legislative days in advance notice of what is coming up.

This, while it sounds like a minor technical amendment, is one that I am convinced would have a profound

effect on providing for full public input and full legislative input to that process.

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

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MACK. There are a couple of points that come to my mind that you were referring to in that aspect of the sunshine resolution. Has the gentleman had an opportunity to talk with Common Cause and the League of Women Voters about this resolution?

Mr. BROWN of Colorado. I have contacted both groups, and I am very hopeful that we will have their support.

I might mention that the bulk of the things that are in this sunshine resolution are ones which those groups favored in Colorado, as I believe those groups favored much of what went on in Florida and California. So it is very much in line with what they have supported in the past, and I am very hopeful that we will have their support.

With regard to the public notice specifically, this is one of the items that they felt most strongly about.

Mr. MACK. Not only would it be helpful to them, but I think it also ties back in to the comments we were making a few minutes ago about the committees, the meetings of the committees. It makes sense to kind of make all of this kind of fit into an overall plan about what we do up here so that we could in fact plan other things that we have to do as Members of Congress.

Some people have to go back and are involved in heavy campaigns, which is part of the political process. Certainly they have the right to be able to schedule their work both in their homes and in Washington. It certainly would be helpful to have not only the floor notice for everyone throughout the country but also for Member of Congress.

But I would be hopeful that Common Cause would come and assist us in this particular effort, because it does seem like something that very naturally fits into their ideals and objectives.

So I am glad that the gentleman has had the opportunity to speak with them and the League of Women Voters, and I would hope that within a relatively short period of time—and maybe you could enlighten me as to how long it might be before we might hear back from those groups.

Mr. BROWN of Colorado. At this point we do not have a deadline from them, but I know of their interest in these matters at the State level, and I am optimistic that we will hear a positive response from them in this area.

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

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I did not understand the gentleman fully. Is the gentleman saying that Common Cause has looked over the entire package, the entire sunshine package, and approved it, or they have seen parts of it?

Mr. BROWN of Colorado. They have seen the entire package, and I think are just beginning their process in considering it. The reason I am optimistic about it is it corresponds in many areas to exactly what has been advocated at State legislative areas in terms of their sunshine proposals that have been brought into effect in many of our States.

One thing I might mention to clarify the impact of this particular notice requirement of 2 legislative days notice, I do not know how many members of the public, certainly Members of this body were somewhat surprised when a certain pay raise passed here a few years ago. What happened was a pay raise for Members of this body was included in a piece of legislation that was brought to the floor very quickly. And the fact that there was not proper notice was one of the reasons people were not aware of that pay raise being slipped through.

Mr. HUNTER. Is the gentleman referring to the pay raise that was attached to the black lung bill?

Mr. BROWN of Colorado. The so-called black lung bill indeed.

Mr. HUNTER. I think that was the black lung-green pocket bill.

Mr. BROWN of Colorado. I think the gentleman has phrased it properly.

You ask why that sort of thing happens. The reason things like that happen is because people do not have an adequate chance to review the legislation and look at it.

There is no secret that the staffs here are enormous. My personal feeling is that they are far too large. But the point is, we do have the means to review that legislation. The key ingredient is to have notice of which of the 10,000 or so bills which are introduced every year are coming to the floor for action, so we have the means to digest those bills, to be forewarned, to be forearmed, to take the kind of proper legislative action that the bill calls for.

But the absence of proper notice for what will be considered on the floor allows the leadership of this body, unfortunately, if they choose to, to slip through items that have not had proper review.

I think what we will find with proper notice is that we will have the kind of public input that will improve the quality of legislation, that you will not have these exotic surprises sprung on the American public in this way.

The next item that is included in the Sunshine Resolution 1984-85 is a measure that would provide for allowing dissenting views to be included in the House-Senate conference reports.

Now, this may sound like a mechanical procedure. But what happens here, basically, is that a majority report from that conference committee comes back to both Houses of the body.

I think it is very important that dissenting viewpoints or minority viewpoints be permitted. All it does is bring to light for public inspection an opportunity to see the real disagreements and understand the real issues that are before the body when a conference report comes back. And, unfortunately, the way our rules operate now, they tend to hide from the public, and hide from the Members the dissent that might be present in those conference reports.

So once again we are opening up the process with this amendment. This would provide for the printing in the RECORD those dissenting viewpoints, minority viewpoints, it would provide a way to alert the legislators, as well as the public, that there is a second view involved that needs to be considered when the measure comes back for a vote.

The final discussion that is included here is a requirement that representative party ratios be used in the committees and subcommittees of this House.

You know, this is simply a matter of fairness. We hear a great deal from time to time in this Chamber about fairness. There is no more basic element in a legislative body's fairness that to have a representative ratio.

What we are seeing here is, unfortunately, I think to the shame of this House, we have a number of committees that are made up with a significantly different ratio of Members than the membership of the whole House.

What that means is that you may have 61 percent of the House in the current session Democratic and you may have a much larger share of the particular committees that are involved having that kind of ratio or that makeup.

Now, why is that unfair? First of all, it distorts the membership of this House. And as the Supreme Court has made clear in its one man-one vote doctrine, the essence of democracy is that each person's vote counts.

What this does is distort the makeup of this body as it considers legislation in committees. You combine that with the very close rules that this House unfortunately must work with and you find that the committees play a critical part in the framing of legislation. So when you distort the committees, you distort the work product of this Chamber.

Now, I mentioned fairness. The simple fact is that while the Republican Party controls the U.S. Senate,

they do not distort the committee process this way. The Senate allocates its committee assignments along a ratio that is roughly equivalent to the ratio of the Members in the body.

As a matter of fact, I think any fair-minded person who takes a look at the legislative bodies on the State level in this country will find that almost without exception you have a fairer ratio exhibited in those State legislative bodies.

So the House is very unusual in this regard. It is very unusual in distorting the membership of this body's representation in committees. It is unusual not only on the national level, because the Senate follows a different pattern, but it is unusual with regard to the whole legislative process that we see throughout the Nation both at State levels and at times at local levels.

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

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MACK. I guess so that we can maybe just drive on a little bit further, what you are saying is, I guess, is that if the Republicans in the House have 38 percent of the Members of the House, they should have 38 percent of the committee assignments. Is it that straightforward?

Mr. BROWN of Colorado. That is exactly right. I think it is normal practice for the majority party to take the breakage in percentage if it is a decision to allocate a portion of a seat, of course the majority, I think it is common practice that they would take that. But to deliberately distort beyond that the makeup ratios is to deny the democratic process, I believe.

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

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I believe the gentleman once again has hit on a very key point. I think a lot of our constituents think that Congress operates on a very fair basis and takes up the people's business. I think it was Alexander Hamilton who said this is the people's House, this is where the issues that are important to Americans are brought forth, are debated for better or for worse, and they are either passed or they are not passed.

□ 2010

And I think that most Americans would be surprised to know that there are more issues, such as the balanced budget, which is supported by a great majority of Americans, according to all the polls; the school prayer, which, according to the Gallup poll, I think, is supported by some 80 percent of all Americans; and also the crime control package of 1983, the President's crime control package, which is essential to the safety of our neighborhoods and is probably supported by 99 percent of Americans and which in fact, I think, passed the Senate 91 to 1. Those issues will never see the light of day on this House floor because of one or two individuals in key power positions in this House of Representatives.

You go back and talk to your people back in your district, and they tell you, "Gee, when the balanced budget amendment vote comes up, I sure want you to vote for a balanced budget," and tell them, "I sure will." Then you go back and you realize that the last time it came up was quite a long time ago.

And they say, "When the school prayer package comes up, we would sure like you to vote for that," and you go back and look that up, and I think the last time the school prayer package came up or the amendment came up was in 1971. I think I was in the Army at the time. I do not know where the gentleman from Florida and the gentleman from Colorado were.

Mr. BROWN of Colorado. The gentleman from Florida, I believe, was in grade school at the time.

Mr. HUNTER. He could have been.

Mr. MACK. In 1971?

Mr. HUNTER. But you realize that this is not the people's House. This is a House in which, although our constituents send us here and feel they have one four-hundred-thirty-fifth of the control of this country in each congressional district when they elect us, they in fact do not.

I would submit, for example, that if we could get President Ronald Reagan's crime control package of 1983 out here on the House floor for a vote, it would pass almost unanimously. Yet it has been said by some powerful Members of the Democratic Party who are in key positions that the bill was dead on arrival when it got to the House of Representatives.

Mr. BROWN of Colorado. Mr. Speaker, I know that statement. I have heard the statement, and, unfortunately, it is an accurate representation of what was said.

I might mention a point that we emphasized at the start of the description of the sunshine resolution for 1984-85. This is not brought to the House as a partisan resolution. The issue of fairness certainly is not divided along partisan lines. The issue of openness should not divide along partisan lines.

I am convinced that the vast majority of Democrats, as well as Republicans, in our citizenry solidly believe in the democratic process and a fair representation on the committees, an elimination of phantom voting throughout the process, an elimination of the secrecy that envelopes the House processes that does not allow an accurate reflection of what is going on, and an elimination of the barriers to the clean functioning of the democratic process.

I think there is strong support in both parties in our country for an openness in the House, for a willingness to let the chips fall where they may, for a willingness to allow the real facts to come out, and for a willingness to insist on votes on the public's business.

So this sunshine resolution is offered not as a partisan effort, but it is one that I believe represents the feelings and aspirations of the American people of all races, of all creeds, and of all parties. We all have a stake in this democracy, and if a few selfish people who temporarily run this House of Representatives would choose to thwart the will of the American people, I do not think that is representative of the feeling of the Members or their party or of any party in this country. I know that the men and women involved who unfortunately have supported these kinds of restictions in the past are good people. They are not bad people.

What they need is an opportunity, though, I think, to clean up the process by which the House is run and to open up the doors and let the sun shine in. That is what this resolution is all about.

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

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I really appreciate the work and the effort that the gentleman has put into the sunshine resolution. If the gentleman would just remain with us for a moment, we can conclude this.

Clearly, the bringing together of all these different things, all these different points, I think, will have an impact. Last evening some of us had the opportunity to kind of go though from the beginning of 1984 step by step the things that have happened here on the floor of the House, and basically what the gentleman has brought us here, I think, is a package of legislative reform that really can open up the process and make it fair, make it available to the American people and give equal representation, which is what we want.

But clearly, I think when you look at some of the things that have happened, the stacking of committees, the secret discharge petition, and the dispensing of Calendar Wednesday for all these years, it is just evidence step by step of the process of trying to close down the openness of this House.

So I just want to express my appreciation and compliment the gentleman for the work he has done. I want to assure him that I will continue to work with him to try to get this to become the method of how we operate here in the House.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman for

his vision and for his willingness to continue to work to open the House, the people's body, to the democratic process to do the work that I think Americans expect of it.

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

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman has made one of the most important statements that has been made on the floor of the House this year. The gentleman has got one of the most important issues, and I would be happy to go with the gentleman when he presents it. And I am sure he wants to personally present the sunshine bill to the Democratic leadership of this House and hope in fact that they will concur that this is in the interest of Members on both sides of the aisle, Democrats and Republicans, to open up the House and let a little sunshine in.

We appreciate the gentleman's leadership on this issue and coming out with this statement and bringing us this issue that I think is perhaps the most important matter that we have spoken about in session, out of session, or during special orders for the last several months.

Again, Mr. Speaker, I thank the gentleman.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman from California, and I yield back the balance of my time.

AMERICAN STEELWORKERS: SACRIFICES FOR INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, 1983 was a record year for trade. Last year, the United States imported more goods than it exported, resulting in a record trade deficit of $69 billion.

1984, too, is going to be a record year for trade. Initial projections called for a record deficit of just over $100 billion, but we already know that estimate is far too low.

In fact, based on the first 4 months of 1984, which already shows a record $42 billion deficit, the estimated trade deficit for the entire year will be in the neighborhood of $130 billion, nearly twice last year's record level.

What does it mean when we continue sucking in imports like a vacuum cleaner?

It means more pressure on American industry just to keep some semblance of competitiveness.

It means that American workers are losing jobs, jobs that may never be replaced.

There has been a lot of talk in recent years that the reason American industry has not been competitive is because American workers are too self-centered—too concerned with their wages and fringe benefits—to care about the futures of the companies that employ them.

That, my friends, is a lot of baloney. To argue that the American worker does not care about the company for which he works is like saying foreign manufacturers are not dumping their excess production in the United States at cutrate prices just for a share of the American market.

Let me give you just one record-setting example of what I mean. Let me just point out the sacrifices American workers, and, more specifically, American steelworkers, have made as their contribution toward the stability and competitiveness of the American steel industry.

In March 1983, the major steel companies and the United Steelworkers of America signed a labor agreement unprecedented in the 47-year history of steel labor negotiations. For the first time ever, the parties agreed to reduce—that is right, to cut back—wage and benefit costs—by very substantial amounts, I might add.

In fact, except for the 1979 Chrysler-UAW agreement, no other agreements between basic industries and unions have imposed cuts approaching the 10.9-percent wage rate reductions stated in the 1983 steel agreement.

What did that agreement do? Well let us look at it from two perspectives—earnings reductions and benefit cuts.

Under the agreement, wage rates were reduced by $1.31 for a 10.9-percent average cut—incentive pay was reduced by an average of 11.3 percent—premium pay for Sunday work was cut from 1½ times to 1¼ times regular hourly rates, and cost-of-living adjustments were canceled for the first 17 months of the contract; will begin only after 4-percent inflation, based on the March 1984 CPI, for the next 12 months; and after 1.5-percent inflation, based on the March 1985 CPI, for the final 12 months of the contract.

This is coupled with a moderate restoration formula. Wage rates will be restored over a 3-year period at 40 cents for 1984, 40 cents for 1985, and 45 cents for 1986.

Also, incentive pay will follow a similar pattern of restoration and premium pay will not return to the precontract level until 1986.

Insofar as benefits are concerned, instead of 11 holidays a year, there are now 10, regular vacations were reduced by 1 week during the first year of the contract, vacation bonuses have been eliminated, extended vacations, the equivalent of 1.3 weeks a year, have been eliminated, and company contributions for supplemental unemployment compensation (SUB) increase from 17.5 cents an hour to 67.5 cents for the first 35 months of the agreement and then drop to 42.5 cents for the final 6 months.

The average reduction in hourly employment costs resulting from the various wage and benefit cuts was $2.70 immediately, not including COLA effects. Of this amount, 50 cents was diverted to SUB contributions, leaving a net savings averaging $2.20 per hour worked—slightly less than 10 percent of total employment costs.

In addition to the negotiated savings of $2.20 per hour, total employment costs in the steel industry have dropped dramatically for other reasons over the past year.

In 1983, large numbers of workers were laid off, workers who nonetheless were entitled to continued insurance coverage, pension funding, and vacation pay. By early 1984, most of those costs had been eliminated because the benefit period of many of those workers had expired.

As a result of the combination of negotiated reductions in wages and benefits, plus the reductions of fringe benefit costs for the unemployed, the average employment cost of AISI-reporting companies declined more than $5 per hour from 1983 to 1984—from $26.12 in January 1983 to $21.08 in January 1984.

Those savings, according to the agreement, must be reinvested in steelmaking operations, a move which will allow modernization to increase industry competitiveness.

Prior to the 1983 contract, American steelworkers were the highest paid industrial workers in the world. Today, nearly 18 months later, as a result of the sacrifices they have made, American steelworkers earn less than employees in at least 10 other manufacturing and utility industries.

Among those industries are cement, auto, and oil refining. For the record, table I, which I have attached to my remarks, shows the relationship between average hourly earnings of steelworkers and employees in other industries.

We hear many critics of the steel industry and steelworkers who would have us believe that steelworkers earn $25 or more an hour. It is true that during the 1982 recession, when one-half or more of American steelworkers were out of work, and the costs of pensions, insurance, and other fringe benefits were being charged against the small number of hours worked by those still making steel, costs per hour did rise to those levels.

But no steelworker takes home anywhere near that pay. And, as I mentioned earlier, the average hourly cost today is $21.08.

Of that hourly rate, an average of $13.11 was paid directly to steelworkers. The rest, almost $8, consisted of

fringe benefit costs for active and retired employees, together with such payroll taxes as social security, unemployment insurance, and workers compensation.

Therefore, Mr. Speaker, I submit that the cost of steelworkers' labor cannot be the cause of increased imports of steel in the United States as our foreign competitors have alleged. In real terms, the labor cost per hour for American steelworkers has risen about 15 percent from 1975 to 1983, according to the U.S. Department of Labor. Table II shows the increase in real costs per hour for steelworkers' labor in other nations.

In Japan, Italy, and the Netherlands, real labor costs in the steel industry rose only 8 percent during the same 8-year period. But in West Germany, France, Canada, Belgium, Brazil, Mexico, and South Korea, the major countries which export steel to the United States, labor costs rose far more.

So, we will have to seek another reason for the heavy imports of steel and other goods to our country. Perhaps the remarks of Seisuke Ushijima, managing director of Japan's Kawasaki Steel Co., gives us a clue.

Talking about Japanese exports at a recent conference in San Francisco, Mr. Ushijima mentioned that Japan's exports increased by 11 percent in 1983, almost all of which was directly or indirectly attributable to our recovering economy.

Of that 11 percent increase, 60 percent included direct imports to the United States. The balance was to other Southeast Asia nations and, according to Mr. Ushijima, was "attributable to the recovery of purchasing power of those nations brought about by their increased exports to the U.S."

And, Mr. Ushijima added: "It can be safely said that the Japanese economy as a whole will continue to improve, unless the U.S. economy goes flat."

What Mr. Ushijima is saying in very plain language is that as long as we keep our trading doors open for finished goods from other nations, the economies of those nations will get stronger. In other words, exports from those nations are a key element in their economies, and their economic planning, regardless of whether they cover their costs.

But what about the United States? What about our economy? Can we afford higher and higher interest rates which make it more difficult for American industry to raise the dollars needed to upgrade plants? How can we conpete when the prime rate here is 12.5 percent as compared to Japan's prime rate of 5.5 percent?

Can we afford to see more and more American workers, especially in our basic industries, out of work with little or no prospect that their former jobs will ever exist again?

Ambassador Brock, our trade representative, says we are making headway in getting Japan to open its doors to American goods. He has gotten the Japanese to increase their imports of American beef and citrus over the next 5 years. He has gotten the Japanese to accept more American tobacco and tobacco products.

Is not that just terrific? Is not Brock doing a great job? Just think how many skilled jobs increasing those imports will produce in this country. But what about steel, autos, shoes, and other manufactured and finished goods?

Yes, the Japanese recently agreed to internationalize the yen and to allow American investors to do business in Japan, but we all know it will be some time before we feel the effects of those actions. But what about today?

In his speech, Mr. Ushijima talked about the flatness of the Japanese steel industry and its shrinking capacity. It is also interesting that he puts the blame for that on other steelproducing nations, especially the newly industrializing nations, saying: "In the export market, we have seen an aggressive drive by the industrializing nations using bargain prices as a weapon, to become steel exporters instead of importers."

If it was not so tragic, it would be humorous. Here is the managing director of one of Japan's major steel companies complaining about cut-price steel being dumped in Japan. I wonder how he compares that to the activities of his and other Japanese steelmakers when they wanted a share of the American market.

For these reasons, it is time to put an end to the false propaganda that steelworkers are somehow to blame for the tragedy that has befallen the steel industry. The truth is, they, American steelworkers, are to be commended for their willingness to make sacrifices to help save an industry, even at the expense of jobs.

Those steelworkers are entitled to our consideration and sympathy in their struggle to protect themselves against dumped and subsidized steel imports from around the world.

TABLE 1.—*Industries with higher average hourly earnings for production workers than the steel industry, as of February 1984*

Industry	*Average hourly Earnings*
Blast furnace and basic steel products	$13.08
Cement, hydraulic	13.40
Primary nonferrous metals	13.40
Aluminum sheet, plate, and foil	14.03
Motor vehicles and car bodies	13.71
Cigarettes	13.40
Malt beverages	14.54
Industrial organic chemicals	13.09
Petroleum refining	14.49
Pipe lines, except natural gas	14.46
Combination utility services	13.93

Source: Bureau of Labor Statistics, "Employment and Earnings," April 1984.

TABLE 2.—GLOBAL STEEL INDUSTRY LABOR COST COMPARISON: HOURLY COMPENSATION

[Deflated by National CPI; 1975=100]

	1975	1976	1977	1978	1979	1980	1981	1982	1983
U.S.	100.0	103.7	106.7	109.2	109.6	111.4	110.0	123.9	114.6
Japan	100.0	97.3	99.2	102.1	101.8	102.6	106.6	107.0	108.6
West Germany	100.0	103.5	106.7	110.9	115.1	119.8	115.9	118.2	117.3
France	100.0	106.1	112.6	110.1	111.6	110.2	112.3	121.4	125.3
United Kingdom	100.0	102.0	97.6	107.3	109.0	104.9	110.1	111.9	120.4
Canada	100.0	108.1	114.2	118.3	118.0	115.3	117.8	124.9	124.7
Italy	100.0	98.5	101.0	105.7	105.2	99.0	102.7	105.0	108.6
Belgium	100.0	104.4	112.1	115.4	120.7	124.9	123.6	117.5	120.1
Netherlands	100.0	102.0	101.9	102.9	108.3	110.6	105.0	107.1	108.1
Brazil	100.0	105.6	110.2	115.5	117.3	123.4	133.9	150.1	135.8
Mexico	100.0	105.4	112.4	113.5	115.7	115.2	116.9	114.1	
Korea	100.0	116.8	145.0	173.0	181.5	162.9	163.0	171.0	191.6

Source: U.S. Department of Labor, hourly compensation costs for production workers in iron and steel manufacturing, 20 countries, 1975–83, and International Monetary Fund, "International Financial Statistics."

□ 2030

I would just like to at this time, since I have a few minutes, to refer to the Wall Street Journal, today's issue, June 7. There is an article in there concerning the footwear industry being rebuffed by the ITC, the International Trade Commission, in a plea for relief from the flood of imports as far as shoes are concerned.

Listen to this. It is a Washington dateline and I am reading from the Wall Street Journal, and I will include this article as a part of the RECORD.

The International Trade Commission unanimously rejected a request from the U.S. footwear industry for relief from a flood of imports, mainly from Taiwan, South Korea and Brazil.

Chairman Alfred Eckes acknowledged that imports have captured 69% of the domestic market but ruled that the petition filed by Footwear Industries of America and two unions that are AFL-CIO affiliates didn't meet the strict "serious-injury" test. "Employment has stabilized, production has risen, and the industry generally has achieved better profit margins than the average for manufacturing industries," he said.

ITC members Paula Stern and David Rohr had similar opinions.

The 5-0 ruling stunned the industry. George Langstaff, president of Footwear Industries of America, said the association will appeal to President Reagan and will challenge the ITC's findings in a court suit. He said he was "absolutely appalled" that the industry, despite the import threat, couldn't obtain help through the 1974 Trade Act.

"Something is clearly wrong with our import-relief mechanism," the association's chief counsel, Thomas Shannon, said.

The nation's more than 300 footwear makers, primarily in New England and many Midwest and Southern states, aren't likely to get much sympathy from the administration, though the U.S. trade representative's office previously turned down the industry's request for administrative actions to curb imports.

The petition in the ITC was direced against all imported non-rubber shoes, boots and slippers. In the first quarter of 1984, 193.2 million pairs were imported, representing 69% of U.S. consumption.

Sixty-nine point four percent of U.S. consumption. If we had a war tomorrow, who would make the shoes for our soldiers?

"Up from 50.9 percent in 1979." For 1983 footwear sales in the United States totaled $8.2 billion. And that is what the foreign producers are after. They are after that market.

However, the ITC noted that the import growth partly reflected increased consumer spending. Domestic production last year stabilized at 341.2 million pairs, or a total of about $2.9 billion.

Angered by the ITC decision, the industry's congressional supporters introduced bills in both the House and the Senate that would impose a cap on imports of non-rubber shoes of 50% of U.S. consumption. Sen. William Cohen (R., Maine) signed up Sens. George Mitchell (D., Maine), Warren Rudman (R., N.H.), and Dale Bumpers (R., Ark.) as co-sponsors of his bill and said more could be recruited in a matter of days. "We're dealing with a question of survival for an important industry," he argued. A similar measure was to be introduced in the House last night by Rep. James Shannon (D., Mass.) and Rep. Olympia Snowe (R., Maine).

The congressional footwear caucuses include a third of the Senate and a fourth of the House. Senate aides acknowledged, however, that the bills could be held up by the tight legislative schedule. "With the conventions and the election campaign ahead of us, we've less than 40 legislative days left," a member of Sen. Cohen's staff said.

I have great sympathy with the Textile Caucus and the Footwear Caucus, and in fact I am going to join on that bill and make an attempt to persuade all the members of the Steel Caucus to join on that bill.

Hopefully we are going to be able to glean from that bill the admission of the cause. I know that the session is tight. We are going to be able to glean, hopefully, some attention from the administration.

But I have to say this candidly and say it based upon a lot of experience. In the last 17 years here in the House and the last 6 years of the Steel Caucus they are whistling "Dixie." This present administration has on numerous occasions shown that they are not interested. They are doing what the Carter administration did and some other administrations. They are playing international politics with our international trade, and nobody wants to upset Japan, although we are providing all of their protection.

Nobody wants to upset the West Germans, Norway, Sweden, France, Italy, Belgium, Brazil, Argentina, who owe all of that money to the American bankers. They do not want to disturb that. We are just assimilating and sucking in these imports.

I am saying as a matter of record to this House and to my colleagues, and hopefully to the American public, something has got to give. You cannot talk about 150 billion dollars' worth of trade imbalance when Mr. Volcker himself, for the first time since I have been here that I have remembered that any head of the Fed got up and said, "Well, we have got some problems."

□ 2040

We got some problems with the deficit in the budget, we have some problems with the trade deficit; that is the first time I have heard it in the last 15 years; any responsible Federal official to say that the trade deficit is a problem.

I do not know how much convincing we have to do in order for our colleagues to be apprised of this problem. We have some wonderful support. On the other hand, we have some free traders who are just blind free traders.

They just keep quoting all types of free trade philosophy. I am a free trader, too. In fact, the bill that we have introduced is a free trade bill. It only reduces imports 15 percent of what the average was during a 3-year period in the seventies and puts a 15-percent cap on it.

It says, "Look, you are allowed to ship into this country based upon those figures 15 percent of what the American consumption is. You have to give your steel industries a chance to rebuild."

There is a requirement in that legislation that says that any profits made by the steel community, all steel mills as edited and audited by the Treasury, they will term that all has to be plowed back into making steel a modern smokestack industry and one that will compete internationally.

That is what that legislation says. I feel sorry for the Members as I stated before of the Footwear Caucus. They are going to need a lot of help. You can go up to New England today and you can find areas and towns up there where you could not give a house away; their shoe industry is destroyed; this textile industry is destroyed.

South Korea has 3½ percent unemployment. In my district we have 20 percent among the steelworkers. Nationally, those figures are not accurate. Do not let anyone tell you they are accurate, because they fudge them all over the place.

They include, they exclude; if a man fails to stop looking for a job he fails to become a statistic. That is how basic, fundamental it is.

Everybody knows, it is no secret; everybody knows they fudge the statistics, each incoming administration does it; hold back, add on to it, twist it around, include, exclude. They say you have so many millions of people, 10 millions of people in the country that are unemployed; you can bet your bottom dollar on the fact that it is 20 and a lot of other misery floating around.

Well, it is getting late. I made an attempt to put into the RECORD and try to lay to rest those facts as they relate to the steelworker, what he makes, what other industrial activities in the country are making.

I have other members of the Steel Caucus.

At this time it is my pleasure to yield to a member of the executive committee of the Steel Caucus. He is a new Member in the House of Representatives, but believe me, a veteran as far as steel problems are concerned; and his activity and dedication to the needs of the coal industry and the steel industry.

I do want to commend him at this point in the RECORD and hopefully his constituents would read of him and what he has done in his unstinting efforts, in his dedication to duty. He makes every one of our Steel Caucus hearings that we have; and always participates in the Steel Caucus endeavors.

Through his personality and persuasiveness, he was responsible for many signatures on the pending Fair Trade in Steel Act.

I now yield to Mr. MOLLOHAN from West Virginia.

Mr. MOLLOHAN. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the thoughtful comments, the aggressiveness of the distinguished chairman of the Steel Caucus. He has been in the forefront of fighting here in the Congress during my tenure for fairness in trade for the very purpose of saving the steel industry, an industry that is basic to this country and so

vitally important to my district, and I know to the distinguished chairman's district.

As I say I simply want Mr. GAYDOS, to associate myself with your comments and as I have been pleased to join with you in this fight to preserve and save the steel industry and the jobs in our districts.

I think that the two efforts that we come here to support tonight have been very effective in bringing this matter to the attention of the country and also putting pressure where the pressure is needed; on the administration and on the Congress, to address this question.

I am talking about, of course, the Fair Trade in Steel Act of 1984 and the 201 petition that the steelworkers are working so hard on. I know you and our executive committee in the Steel Caucus have been instrumental in pushing that legislation in the Congress.

I simply want to be here tonight to associate myself with your remarks, and I want to dedicate myself to continuing working with you to insure the passage during this session of Congress of the Fair Trade in Steel Act.

It is absolutely essential that we move. The steel industry and steelworkers during the last 3 or 4 years have done their part. Steelworkers all across this country have taken concessions, reductions in pay. The steel industry has tried to effect the efficiencies that will make it necessary for them to compete and those efforts have to be complemented by the Federal Government doing its job and that is passing the Fair Trade in Steel Act of 1984, creating that level playing field that stops steel from being dumped on our shores; steel that is produced as a result of foreign subsidization.

There is no way we can compete with that. We know that, but our steelworkers and our steel companies can compete if we take the subsidization out of those foreign products. That is what this legislation does; that is what the 201 petition is all about.

And I know that the distinguished gentleman in the well is working hard on that. It has been my honor to work with him. It is vitally important to my area. We are dependent upon basic industry and there is no industry more basic than steel and the Federal Government needs and this Congress needs to address this.

We hope that the administration would be supportive of it after our efforts.

Mr. Speaker, we are here today to emphasize the threat that looms over the prosperity our Nation has enjoyed for many years. and urge positive action on initiatives that can help America dodge a bullet that has been aimed at its heart.

America's steel industry is, in a very real sense, its heart. It is the industry that through the sweat and effort of hundreds of thousands of hard-working Americans has built this Nation into the powerhouse of might and prosperity that is the example for all the world.

Just 24 hours ago, this Nation took time out to remember how thousands of brave men defended the destiny of the world by fighting back against a threat that would have crushed democracy. Today, my colleagues and I are asking that the threat to the industry that played a large part in giving this country victory 40 years ago be defended with the same vigor, intensity, and sense of purpose.

Now, powers outside America have conspired to weaken that vital part of our heritage and source of might. Foreign nations have targeted our steel industry, and thus the thousands of men and women who toil in the mills, in an effort to invade our markets—an effort that has been made easier for them through unfair trade practices, and loopholes in American law.

The domestic steel industry has been reeling from the serious injuries caused by dramatic increases in unfairly traded imports. The injuries are in the form of substantially lowered profits for the steel industry, plant closures, tragic unemployment increases and plummeting production and sales figures.

But, more is injured that the people and profits associated directly with the steel industry. Consider that the steel industry is not only a valued employer, it is a valued taxpayer as well. For example, Bethlehem Steel, the corporation that, along with the United Steelworkers of America, filed the 201 petition we are here to support, paid almost $2 million in taxes in 1983 to West Virginia, my home State.

The conclusion seems clear—we cannot allow the industrial, employment, and tax base of this country to disappear under foreign attack while sitting idly by, especially when there is something that can be done.

If the American steel industry had just 5 years of relief from the constant attack of unfair imports—5 years in which to stabilize its operations and guarantee a healthy, productive and cost-effective future, we can fight back like this Nation fought back 40 years ago.

In 5 years, our domestic steel companies could generate the cash flow needed to modernize its steel facilities and repair existing properties. That increased investment would allow the domestic industry to compete against all of its foreign competitors.

The specific relief requested is a 15-percent quota on all steel products, with the overall quota divided among different product lines based upon their historic import penetration rates. The 15-percent figure is equal to the import penetration rate prior to the surge of imports over the past few years.

Mr. Speaker, I contend that not only will 5 years of quota relief be essential in order to insure that the industry can garner the necessary capital to rebuild, it will also send an undisputable message to our foreign competitors that they should cease their unfair practices, and their uneconomic expansions of capacity. Anything short of these remedies will result in a haphazard, band-aid approach which will resolve nothing, and will instead allow this infection to spread throughout the industrial heartland of America.

We must maintain our position as an industrial world leader and I urge the members of the International Trade Commission and the administration to act responsively and responsibly in this area—to wait, to do nothing is to jeopardize the United States prosperity, productivity and power. Thank you Mr. Speaker.

Mr. Speaker, before I call upon my good friend, Mr. OBERSTAR, let me make one statement before I forget: If our smokestack industries are so archaic and everybody has to go to new production, I do not know why every country in the world is fighting and fighting and fighting to get into the act; to put into place smokestack industries such as steel, textiles, what have you. Everybody is saying you have to move on to new industries.

Every other country does not feel that way, including Japan. They feel it is very important to maintain smokestack industries. So somebody or something is going wrong in our thinking in this country. Somebody is amiss as I see it and as I study it.

I yield to a member of the Executive Committee, an officer over the years, and a most dedicated worker for the cause, and the cause is fair trade in steel plus fair imports as far as iron is concerned from the great Mesabi Range, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the chairman of the Steel Caucus. I compliment him on his splendid statement and his vigorous and vigilant efforts repeatedly on behalf of the steel industry, and the workers in the steel industry, leading the charge consistently and sounding the call to action in this body on behalf of measures that will establish fairness in trade in steel as the United States competes with our trading competitors overseas.

□ 2050

The fact is that steel remains the most versatile industrial building material in the world. For the United States to abandon the steel industry at a time of increasing pressure from unfair competition from abroad would be the most detrimental action we

could ever have taken in our history in terms of national security.

We have to maintain a strong, vibrant, effective, competitive, national steel industry. In the face of the kinds of import pressures that we have been facing from abroad, the only way that we can respond is through the legislation that the caucus and nearly 200 Members of the House cosponsored, the Fair Trade in Steel Act.

All across the northern part of my district, the great Mesabi iron ore range, which has produced 3.2 billion tons of iron ore—and this is the 100th anniversary, I might add, of the shipping of iron ore from the Mesabi Range—100 years ago the first train load of ore moved from the mining country to the Port of Duluth to be shipped to lower lake ports.

Since that time, as I said over 3.2 billion tons of iron ore have been shipped. We now face almost 50 percent unemployment in iron ore mining, in tacomite processing because the steel industry is down. The steel industry is down because imports from companies owned or sustained by foreign countries are competing, dumping their product, in this country displacing American jobs.

All across the Mesabi Range just this week chambers of commerce, mayors, school boards, labor unions, both the steelworkers and the building trades and the mining industry representatives met to lay out a plan to mobilize the public in support of the Fair Trade in Steel Act, to conduct an educational campaign throughout the State of Minnesota and into other States. The people in the Mesabi Range have relatives living in other States to inform them about this legislation so that they can ask their Members of Congress and their Senators to support, cosponsor and vote for this legislation, because they realize that the future of the Mesabi Range, the future of northeastern Minnesota, our very economic survival depends on revitalizing the industry and giving us that 5-year window of time we so desperately need to get steel back on track and viable once again.

I just wanted the chairman to know, I want all those who will be reading this special order to know that northeastern Minnesota is mobilized, it is going to tell the rest of the United States how vitally important this legislation is to our total economic survival.

Mr. GAYDOS. At this point I would like to refresh the recollection of my colleague when we traveled to the Mesabi iron ore range and the excellent hearings that we had out there in two or three places and the response from the population and the workers up there. Everything the gentleman has said I could attest to as a matter of record, having been there with the gentleman and other members of the Steel Caucus.

I would like to take this opportunity to thank the gentleman and the other members who have traveled, not only up to Minnesota, the gentleman's home State, but down in Gary, Ind., where we stopped and talked to all of the steelworkers there about the problems firsthand, arm's length, and heard and understood and associated with those people.

We came back from Baltimore, up at the Fairless Works up there, and saw the same situation.

The point I am trying to make and doing a clumsy job of it is that this is a people-orientated legislative proposal. It is something that strikes at the heart, at a person's very existence, the workers involved and all the associated spinoff industries. We are talking about the well being and hopefully the social well being and particularly the psychological health of so many families, so many peoples, so many futures, that when you start adding them up it becomes frightening as to how many people, directly and indirectly, are affected by these imports coming in, particularly in the steel area.

I think my colleague agrees with me.

Mr. OBERSTAR. If the gentleman will yield, believe me, northern Minnesota and the iron range is very proud that the opening salvo in the fight for passage of the Fair Trade in Steel Act was fired up there in the Mesabi iron range on the 100th anniversary of the shipment of iron ore.

The people have not forgotten about it and the mobilization this week is a direct consequence of that first legislative act in support of the fair trade in steel legislation. The people mean to carry on with the effort to mobilize legislative support for the passage of that legislation.

Mr. GAYDOS. It was absolutely impressive to see the uninhibited emotions demonstrated there and the will to fight and the one-track desire to go ahead and to support it and to help any way possible. We had a couple of altercations at a time up there, too. I think we combined a little bit of fun along with some serious business.

Mr. OBERSTAR. I might add that following the hearing the Government witness, from the Department of Commerce, was taken on a tour of the food shelf and the soup kitchen and to meet with workers who have been displaced because of the recession, literally the depression in iron ore mining and had a real eye opener. He saw, firsthand, the devastating effects of the depression that has gripped the Mesabi iron range and came back with a very different appreciation of the problems and need for this legislation.

Mr. GAYDOS. Following the old adage that every cloud has a silver lining I really feel chagrined that the footwear industry has their problems, but as I say, the affirmative aspect of it is that hopefully we will get support from them and we are going to offer our support to them. If we could pick up the electronics industry, the television industry, and all types of textiles, many, many different industries, you name it it is in there, one way or another, because our trading partners are zeroing in one after another on all of our industrial activities.

If we can get that whole group behind us, we should have well over 200 signatures on our bill. We have 200 now.

I am continually shocked. We just do not make any more golf carts practically. That is taken over. It was a very healthy industry. It was spied upon by our trading partners. They came in and undersold our golf cart manufacturers. They now control it.

You can do the same thing with snowmobiles. It was almost amazing when the President recently gave poor Harley-Davidson, our motorcycle manufacturers, finally, after 15 bleeding years, finally, he said, "Well, it is going to go out of business and I guess it is going to look so bad for us if Harley-Davidson, the last manufacturer of motorcycles in this country, if it goes out of business." They gave them relief up to like 60, 70 percent prohibitions on imports coming in.

Finally, Harley-Davidson now is healthy. It is getting back on its feet and it is the only manufacturing entity making motorcycles in this country.

That is what has to be done. At least that approach to the problem.

I did not see any trade war occur. I did not see any repercussions internationally. I did not see any high-summit meetings being called and our trade being cut off. I never saw it when Nixon—and I have to go back to Nixon many years back—whether you love him as I said, or whether you hate him—when he put the 10-percent surtax on automobiles there was no worldwide explosion, international trade eruption, war going on. He put it on because it was right. He put it on because the industry needed it and he saved the industry.

This time we saved it with American tax dollars by giving loans to Iacocca and to Chrysler. It saved it after a fashion, but I think the respite is very limited and we will be right back in the soup again before you know it.

I want to conclude by thanking all those who participated and particularly thanking my colleague from western Pennsylvania (Mr. WALGREN) for his patience and also for his condescendence.

Mr. Speaker, I am including an article from the Wall Street Journal.

FOOTWEAR INDUSTRY IS REBUFFED BY ITC IN PLEA FOR RELIEF FROM FLOOD OF IMPORTS

(By Eduardo Lachica)

WASHINGTON.—The International Trade Commission unanimously rejected a request

from the U.S. footwear industry for relief from a flood of imports, mainly from Taiwan, South Korea and Brazil.

Chairman Alfred Eckes acknowledged that imports have captured 69% of the domestic market but ruled that the petition filed by Footwear Industries of America and two unions that are AFL-CIO affiliates didn't meet the strict "serious-injury" test. "Employment has stabilized, production has risen, and the industry generally has achieved better profit margins than the average for manufacturing industries," he said.

ITC members Paula Stern and David Rohr had similar opinions.

The 5-0 ruling stunned the industry. George Langstaff, president of Footwear Industries of America, said the association will appeal to President Reagan and will challenge the ITC's findings in a court suit. He said he was "absolutely appalled" that the industry, despite the import threat, couldn't obtain help through the 1974 Trade Act.

"Something is clearly wrong with our import-relief mechanism," the association's chief counsel, Thomas Shannon, said.

The nation's more than 300 footwear makers, primarily in New England and many Midwest and Southern states, aren't likely to get much sympathy from the administration, though. The U.S. trade representative's office previously turned down the industry's request for administrative actions to curb imports.

The petition to the ITC was directed against all imported non-rubber shoes, boots and slippers. In the first quarter of 1984, 193.2 million pairs were imported, representing 69.4 percent of U.S. consumption, up from 50.9 percent in 1979. For 1983, footwear sales in the U.S. totaled $8.2 billion.

However, the ITC noted that the import growth partly reflected increased consumer spending. Domestic production last year stabilized at 341.2 million pairs, or a total of about $2.9 billion.

Angered by the ITC decision, the industry's congressional supporters introduced bills in both the House and the Senate that would impose a cap on imports of non-rubber shoes of 50 percent of U.S. consumption. Sen. William Cohen (R., Maine) signed up Sens. George Mitchell (D., Maine), Warren Rudman (R., N.H.), and Dale Bumpers (R., Ark.) as co-sponsors of his bill and said more could be recruited in a matter of days. "We're dealing with a question of survival for an important industry," he argued. A similar measure was to be introduced in the House last night by Rep. James Shannon (D. Mass.) and Rep. Olympia Snowe (R., Maine).

The congressional footwear caucuses include a third of the Senate and a fourth of the House. Senate aides acknowledged, however, that the bill could be held up by the tight legislative schedule. "With the conventions and the election campaign ahead of us, we've less than 40 legislative days left," a member of Sen. Cohen's staff said.

● Mr. BORSKI. Mr. Speaker, I want to thank my colleagues in the House Steel Caucus for taking out this special order to draw attention to the critical needs of our domestic steel industry. It is crucial that Members of this Congress, as well as this administration, become aware of the plight of hundreds of thousands of steelworkers, their families, and their communities.

Since 1977, 45 percent of steelworkers have lost their jobs in this country. Nearly 210,000 steelworkers have been laid off, most of these as a result of imported steel being dumped into this country. In the last year alone, steelmaking capacity in the United States has fallen 10 percent because of plant closings.

Mr. Speaker, there is no such thing as free trade in the international steel markets today. Trade is totally distorted by foreign government subsidies, and steel is being dumped into this country while these same governments protect their own domestic industries by severely limiting the amount of steel that can enter their markets. The United States is the only major open market for steel in the world, and with overproduction in other countries, the United States becomes an easy target for steel dumping.

In recent years, steelworkers and the steel industry have taken comprehensive steps to increase productivity and lower costs. Substantial wage, salary, and benefit reductions have been agreed to, management and administrative work forces have been cut, and plant modernizations have proceeded to compete with more efficient and modern foreign mills.

But, Mr. Speaker, no amount of sacrifice can compete with the current international steel markets. Our domestic steel industry will never be able to compete with foreign steel companies subsidized or owned by foreign governments.

Mr. Speaker, there is a comprehensive effort underway to provide some temporary import relief for the steel industry. H.R. 5081, the Fair Trade in Steel Act of 1984, has the support of nearly 200 Members of this House. It is a vital piece of legislation, and would provide a quota on steel imports of 15 percent of apparent domestic supply for a 5-year period. This is a higher level of imports than most other steel producers allow into their own countries. This bill is very necessary, especially now, as foreign steel has reached a penetration level of over 25 percent for the first quarter of this year.

Additionally, the United Steelworkers and Bethlehem Steel have filed a petition with the International Trade Commission, under section 201 of the Trade Act of 1974, requesting import relief. This petition provides the most effective way of dealing with the massive import problem, as it covers all products from all foreign sources, while offering a variety of remedy options. It would limit foreign imports to 15 percent of domestic supply, and would provide a comprehensive way of helping our domestic industry modernize and get back on its feet.

Mr. Speaker, the continued strength of the American steel industry is threatened by the massive, ongoing, and escalating problem of dumped and subsidized foreign steel. Imports are still the central problem—despite closings, despite permanent reductions in work forces, despite layoffs, despite reductions in wages, salaries, and benefits, and in spite of steel's modernization efforts.

Mr. Speaker, we need to address the very legitimate concerns of steelworkers and the steel industry. H.R. 5081 and the section 201 petition are two vital ways to address these concerns. I strongly urge my colleagues to add their names as consponsors to H.R. 5081, and to write letters in support of the section 201 petition to the ITC.●

● Mrs. HALL of Indiana. Mr. Speaker, I thank you for this opportunity to express my commitment to the revitalization of the steel industry and urge my colleagues to join me.

In the first quarter of 1984, foreign steel imports accounted for 25.4 percent of the American market. To the American steelworker this means that 1 out of every 4 tons of steel used in this country is produced by foreign workers and to the American steel industry this means that a quarter of the industry's business has moved out of the country. It is estimated that the imports account for a loss of over 200,000 American jobs.

This situation is especially disconcerting because 1984's first quarter imports are 92 percent higher than those in the first quarter of 1983. While imports from our long-time suppliers have remained fairly constant, imports from recently established steel-producing countries have increased over 300 percent since 1980. Often foreign producers can afford to undersell the U.S. steelmakers and corner such a large portion of the American market because they have the advantage of non-union wages and Government subsidies.

The impact of increasing imports is devastating to the American steelworker and the American steel industry alike. In order to make the industry more competitive, management and labor have made great sacrifices in pay and benefits. Both are prepared to make additional sacrifices if import relief is granted so that sufficient capital can be generated to complete modernization plans, but workers without jobs are in no position to pitch in.

Steel imports not only cause injury to the steel industry and the steelworkers, but also to the American economy and the American people as a whole.

What is the solution?

Experience shows us that antidumping and countervailing duty cases have not adequately solved the problem. Those cases must be brought against individual companies or countries, and on the basis of individual product lines, so that hundreds of cases have

to be filed, which ties up the court's time and again fails to address a multifaceted problem on a comprehensive basis.

This global problem must be met with a comprehensive solution. Workers, management, industry, and the legislative judicial, and administrative branches of Government must work in unison for the future of the industry and, indeed the future of the country.

Two major components of the solution are the United Steelworkers' and Bethlehem Steel's recently filed 201 petition and H.R. 5081, the Fair Trade in Steel Act of 1984. The relief sought in both cases is essentially the same—global limitation on carbon steel imports to less than 15 percent of domestic consumption for 5 years. This quota is specifically time limited. The industry needs time-out relief from the steel imports to modernize and upgrade production to become competitive in the world market.

In the face of the complexity of the situation, I would like to share with you a clear-sited letter from one of my constituents.

An open letter to unions, corporations, and Government officials who are concerned about the steel industry—from Amy Sue Kovalan, Chesterton High School, Chesterton, Ind.:

Almost a quarter of a century ago John F. Kennedy stated, "The American, by nature, is optimistic. He is experimental, an inventor and a builder who builds best when called upon to build greatly." The American steel worker is now being called upon to build best. Trade, recession, and rapid technological advancement is pushing up the pace for finding solutions to industrial problems. yet, I feel confident that through a combined effort, labor and management can jointly invent and experiment with answers to these problems. As a daughter of a steel worker I feel qualified to share a few observations. There is no doubt that the steel industry my father entered when he was my age—18—has changed. The industry has changed because the market has changed, the competition has changed, and the mentality of the employees has changed. My father is an hourly man, a union man, a blue collar man. However, so many of the stereotypes my friends try to attach to him do not apply. I've been raised to see the value of a strong union, but I've also been exposed to elements that are necessary for a strong corporation. When friends, unfamiliar with the purpose of a union, declare that the unions are responsible for the fall of the steel industry I'm inclined to ask, "what fall?" The state of Indiana now produces more steel than any other state in the country. In fact, Indiana produces more steel than any other nation in the world. The mills have cut back on employees and the "lay-offs" do appear to be permanent. But the industry will survive. After a friendly statistical breakdown of the steel industry I gently remind my friends that the unions have sacrificed. Concessions, arbitration, and compromise are household words for steel workers' families. The point is both labor and management have the same goal: profit. If a profit is made the labor is paid. All too often this basic common goal of capitalism is buried under the rhetoric created by labor and management while searching for a scapegoat. The paradox is both sides are guilty and no one is to blame. Labor and management failed to look forward because a profit was being made, yet nothing is to be gained by playing "Monday morning quarterback." The future of the steel industry rests in labor and management searching for solutions so that the goal they share can be obtained. Each group needs to assume responsibility so that together they can "build best."

The ground work for cooperation has already been laid. My father's mill has worked for worker/management participation. Even more drastic is the step taken by labor and management in Weirton, West Virginia. Weirton Steel, the mill of my grandmother, of my uncles, and now of my cousins, has been sold to the employees. Facilitated by the union, this transaction underlines the willingness of the working man to sacrifice to survive. Yet, by the very nature of the words concession, cooperation, and compromise, the sacrifice should not be that of labor alone. Management and Americans at large (such as my uninformed friends) must acknowledge the concerned steps taken by the unions. Management must remember to give as well as take when the goals of profit has been met. Building a steel industry that makes a profit requires the realization that despite a history of sitting on opposite sides of the proverbial bargaining table, labor unions and corporations have the same goal. It is to the advantage of both to work together.

America is a land of vast resources. Coal, iron ore, and the Great Lakes provide tremendous natural resources for the steel industry in Northern Indiana. The most abundant, most easily replenishable, and most often ignored indigenous resource is the worker. The hourly men, the union men, the blue collar men, the men like my father have within them the experience and the motivation to succeed. A policy that takes labor and management participation off the drawing board and out of the minds of consultants and puts it to work is a policy that represents progression towards profit. The government is not removed from the responsibility of helping the steel industry to survive. If an "industrial policy" would help steel to survive, it should be a consideration. If America is truely going to prosper, the industry of steel should be aided, not ignored by the Federal Government.

The industry my father entered over twenty years ago has indeed changed. But the changes do not have to displace workers and force corporations to abandon steel. The experimenting and inventive resource—the human resource—can guarantee that once called upon to "build greatly," steel can in fact "build best." I undoubtingly fit Kennedy's description of an American because I am by nature optimistic. Labor unions and steel mills have provided financial sustenance for my family. The struggle of the steel mills and the blue collar worker is one that is permanently linked to my life. I believe that my optimism concerning the future of the steel industry is justified because I believe that labor, management, and government is very close to striving together for an industry that "builds best." By supporting the efforts to save the steel industry the unions have demonstrated the desire of the worker to survive change. With our encouragement, corporations and government will work with labor to rebuild. I truly believe that by supporting the efforts of these three groups we can call upon the steel industry in the United States to "build greatly."

I have personally received thousands of letters urging me to do whatever is necessary and possible to help revitalize the steel industry and to influence my colleagues to do the same. The economic ripple effect is felt throughout my district and throughout the country. If imports are allowed to increase unchecked, America will be left dependent on foreign countries for an essential part of our economic system.

As a member of the Executive Committee of the Congressional Steel Caucus and as an American citizen, I support the United Steelworkers and Bethlehem Steel Co., section 201 petition and H.R. 5081, the Fair Trade in Steel Act of 1984. We must act immediately or we may lose the underpinning of the Nation's economy—the American steel industry. I urge my colleagues to join me today as cosponsors of the Fair Trade in Steel Act and to write the administration in support of the section 201 petition.●

● Mr. MURTHA. Mr. Speaker, it is ironic that on the day before this special order, a visitor to my office delivered some information that in many ways summarizes why the steel situation we face is so important.

Rev. Kevin Queally, TOR, is locally with the St. Thomas More Friary and is also connected with St. Francis in my district in Loretto, Pa. He had just returned from a 1 month vigil at the Nevada nuclear test site. He showed me two pictures he had taken: On the first is a sign post with the sign indicating the direction to the Desert Rock airstrip; the second is a closeup showing the pole supporting the sign as clearly labeled "Korea Steel Pipe."

That shows that there remains—despite all our efforts—an insensitivity to the problems facing steelworker families and steel communities in the United States. While nationally economists talk of a recession in the past year; in the steel communities we have faced a depression. At my regular office hour sessions, I have seen the pain of unemployment in the faces of our steel families.

But as I said in addressing the United Steelworkers Convention here in Washington yesterday, this is not a problem relegated simply to steel communities. It is a problem for everyone in America who cares about the basic strength of our economy, the Nation's ability to support itself in a time of international crisis, and who wonder about the future plans for a balanced, strong American economy.

To reach this goal, we in the Steel Caucus have been proceeding on two fronts.

In the House we have introduced the Fair Trade in Steel Act which would limit imports to 15 percent of the U.S. market, down from the present record

levels of 25 percent. The support for this bill is shown in the fact that we now have 189 cosponsors, and we expect to be past the 200 mark very soon.

On the second front, I presented testimony on behalf of the caucus before the International Trade Commission on the trade suit filed by the United Steelworkers and Bethlehem Steel. The result of this suit would also be to reduce the imported steel to 15 percent of the U.S. market.

In both these approaches, we are not being unfair or arbitrary with our trading partners. We are not trying to cut imports to 0 percent or close our trade lines down. We are demanding a fair level of imports which our trading partners have refused to initiate voluntarily.

Let me add two additional points to relations with our allies. First, let us be frank and note that the United States is carrying the defense burden for the entire free world. I have supported high levels of military spending, and I believe it is vital to security. But in the United States assuming that role, some of our allies will have to show some trade restraint to protect our economy. The economies of the free world are as intertwined as the military strength, and where we cooperate in one area, we are going to have to require cooperation in the other. Second, to those who argue these actions could touch off a trade war, I simply say this: We are already in a trade war, and the United States is losing it; I am not aware of any foreign country that is requesting mercy from our Government because we are destroying some industry of theirs through unfair, subsidized imports.

With these actions, we are saying, we are not going to let the American steel industry be destroyed by unfair subsidized foreign imports, we are not going to turn our backs on the steelworker families of America that have been so much the backbone of our economy and our Nation.

The Steel Caucus has been arranging meetings with the Speaker and with the key committee leaders to get action this summer on the import bill. We are awaiting developments on the case before the ITC. But the key bottom line is that we are serious about taking action on imports; we are serious about protecting our steelworkers; and we are serious about protecting our steel communities.

Many other Members of the House plan to talk about specific aspects of our trade problems in steel, and from this information we hope to keep building the momentum for this vital effort.●

● Mr. WALGREN. Mr. Speaker, it is dismaying that we have to continue to come to the floor of the House of Representatives to plead with the administration to stop the never-ending surge of unfairly imported foreign steel into the United States, but once again we must.

I am proud to be a member of the Congressional Steel Caucus which has today organized this special time to bring to the attention of the administration, the congressional leadership, and the public the plight of steel communities across the land. While the President touts economic recovery on the television screen, there are many steel families that are still suffering from unemployment and disruption caused by the unrelenting tide of foreign steel coming through our ports.

We must attack these imports on every front. As a cosponsor of the Fair Trade in Steel Act, I would urge the House to act on this bill promptly. The Fair Trade in Steel Act would place limits on foreign steel products for the next 5 years. Similarly, we must get relief via our current trade laws and I urge the administration to move swiftly and decisively on the 201 petition filed by the industry and the steelworkers. Every 1 million tons of imported steel represents 4,700 lost American jobs. This is a trend we must stop.

I would like to share with my colleagues my May 8 letter to the International Trade Commission urging the administration's action on the 201 petition and look forward to working with my colleagues here to bring many steel families back into economic mainstream of our country.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 8, 1984.

Hon. ALFRED E. ECKES, Jr.,
Chairman, U.S. International Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN, I am writing to urge the International Trade Commission to take favorable action on the petition under the provisions of Section 201 of the Trade Act of 1974 filed by the United Steel Workers and Bethlehem Steel. The petition seeks to limit foreign steel imports to 15% of apparent U.S. consumption for a period of five years.

The United Steel Workers of America and Bethlehem Steel filed this petition in response to the unabated increase in imports of foreign carbon and alloy steel mill products. The petition seeks a comprehensive solution to the continued inroads of foreign imports in the U.S. industry.

We have painfully watched foreign imports grow from 2.6% in 1960 to 17.9% in 1970, to 25% in 1982. In January of this year, imports flowed into this country at a rate equal to more than 26 percent of Amer-ic's steel consumption, a rate that is almost double the tonnage that was imported in January a year ago.

Illegal dumping of steel in the U.S. has caused economic hardship for our nation's steel industry, workers and steel communities. Presently, 29% of all steelworkers are unemployed, causing disruption in personal lives and entire communities. Members of the U.S.W.A. agreed last March to a voluntary salary cut of 10.5%. They have sacrificed to do their part in saving their industry.

It is continually frustrating to me that no matter which party is controlling the executive branch, American steel jobs have been sacrificed for the sake of "free trade" and "good relations with our allies." It is past time to be diplomatically asking for fair trade practices. Meetings, discussions, agreements, even antidumping and countervailing duty petitions have not worked. The 201 petition, a comprehensive approach, is the only way short of legislated quotas to bring some fairness and balance to the steel import problem. It is a prime opportunity for the Administration to take a major step in support of the American steel industry and to vigorously enforce our trade laws.

I sincerely hope that you share my deep concern about the viability of this fundamental industry, one that is basic to our economic strength and our national security. Our workers and steel communities are relying on Congress and the Administration to bring relief to this inexcusable flow of imports. I stand ready to help in any way that I can.

Sincerely,

DOUG WALGREN,
Member of Congress.●

● Ms. MIKULSKI. Mr. Speaker, the good people of this country fought on the bloody beaches of Europe in World War II, in the hills of Korea, and in the jungles of Vietnam. Now they wonder if this country will defend them from another form of invasion, the rampant invasion of foreign goods into the United States that steal jobs.

There is an unremitting stream of steel imports, subsidized by foreign governments, that are being dumped into this country at unnatural low prices. We need import relief to combat these unfair practices now.

I know of steelworkers in my own neighborhood who, in years past, had lined up at their churches and parishes at Christmastime to deliver food baskets to the needy. This past Christmas, those steelworker families needed the food baskets themselves.

The fact that these hard-working men and women have lost their jobs to cheap foreign imports is painful to them, painful to me and should be painful to everyone of you.

Working mothers and fathers today want, at the very minimum, the chance to be able to provide food, clothing, and a decent home for themselves and their families. But instead of being able to provde their families with more opportunities to improve their lives, foreign steel imports are stealing this chance for our people.

We are told that things are getting better. They may be getting better for the multinational companies that are taking jobs out of our country and giving them to workers in other countries. Things are not getting better for my neighbors in the church food lines. I bet they are not getting better for the people on your street.

Mr. Speaker, our Nation's economy is dependent on the U.S. steel industry. We need to save it from unfair

trade practices. We cannot continue to sit idly and watch foreign steel producers consume our steel market. Our Nation's economy, security, and workers are dependent upon our abilities to save our domestic steel industry from unfair imports, and eventual collapse.

We can avert further injury to our domestic steel industry. We must stem the tide of unfair imports. I urge my colleagues to join me in this plea for import relief and support H.R. 5081.●

● Mr. MURPHY. Mr. Speaker, I would like to commend my colleagues, Mr. MURTHA, the chairman of the Congressional Steel Caucus, and Mr. GAYDOS, the chairman of the Executive Committee, for their leadership in trying to create a new market for American steel, unfettered by subsidized steel and open as a fair market in which all may compete in a real free enterprise system.

The steel industry, along with the United Steelworkers of America, are under the worst pressure since the Great Depression. Since 1977, over 200,000 steel jobs have been lost in this country. The time has come to shape a national policy that fights back and limits the dumping of subsidized steel in American markets, which unfairly destroys American jobs.

I have cosponsored H.R. 5081, the Fair Trade in Steel Act of 1984, because it is the most important first step toward getting the American steel industry back on its feet and American steelworkers back to work. The primary objective of the bill would be to roll back the subsidized steel imports to 15 percent, which is the actual level of imports during the 1970's. These import restrictions will accomplish the immediate goal of revitalizing our declining steel industry and put our steelworkers back to work.

Mr. Speaker, I rise in strong support of H.R. 5081, the Fair Trade in Steel Act of 1984. I have cosponsored this legislation because it is the most important first step toward getting the American steel industry back on its feet and American steelworkers back to work.

We all advocate free trade that is fair, but our steel industry has been a victim of trade policies that have been unfair and detrimental to our national interests. The millions of tons of dumped and subsidized foreign steel and iron ore imports have enabled foreign producers to capture nearly 23 percent of our domestic market resulting in closing of plants and the loss of more than 100,000 American steel jobs today.

The American Iron and Steel Institute stated that 1 million tons of imported steel products represent approximately 4,700 American jobs. The 16.7 million tons of steel imported in 1982 translate into 75,000 Americans not going back to work, and an additional 225,000 jobs in related industries and services remaining unfilled.

The flood of imported steel has had a severe economic impact on the steelworkers of Pennsylvania. Of the 177,000 basic steel jobs lost in the Nation between 1979 and 1982, more than one-fourth of the cutbacks took place in Pennsylvania. If we do not place restraints on dumped and subsidized steel imports, employment will continue to decline in the steel work force of Pennsylvania. For example, employment in blast furnaces and basic steel products stood at 89,400 jobs in Pennsylvania in December 1983. The projection for 1990 by the U.S. Bureau of Labor Statistics is 89,500 jobs. Thus, it could well be that our Pennsylvania steelworkers who have not yet been recalled by their former employers will have to look elsewhere for new jobs. This current crisis of unemployment in the steel industry has done harm not only to our workers, but also to our communities. The unemployed steelworkers represent both a lost source of income to merchants in their communities and a lost source of revenue in local and State governments. In addition, there will be a drain on public resources—unemployment, food stamps, public health services—and a higher Federal deficit.

For every 1 percent of unemployment, the Federal deficit is boosted between $25 to $30 billion. Thus, the steel's problems are a community's and public's problem. We cannot sit by idly and allow the dumping of subsidized steel in American markets, which unfairly destroys American jobs and undermines our country's economic foundation.

I strongly support the Fair Trade in Steel Act of 1984, because it will revitalize a declining steel industry which is essential for our country's economic well being and our Nation's defense. This bill has three major features: first, it will limit steel imports to 15 percent of the domestic market for 5 years with a provision for a 3-year extension. This is a level higher than that allowed by our trading partners in Europe and Japan. Developing nations have a virtual ban on any imported steel product which competes with their own. Second, the Secretary of Commerce is directed to monitor steel industry investment and empowered to modify or suspend quotas if investment is not being made at appropriate levels. Third, the bill provides a 25-percent quota on imports of non-Canadian iron ore.

We, as members of the House Steel Caucus, agree that responsible import restrictions are essential to introduce stability to our carbon and specialty steel producers. It is time to shape a national policy that allows our steel industry to compete in an unfair international marketplace. The U.S. Department of Commerce has found that several European nations have subsidized their exports to the United States at margins up to 26 percent. Commerce also made preliminary findings that several European Community nations had dumped steel into the American market up to 41 percent.

This unfair competition from foreign steelmakers has hurt our Nation's economy. Each billion-dollar reduction in earnings by our domestic steel industry translates to a $2.2 billion reduction in domestic economic activity, and reduces the potential work force in steel and supporting industries by 52,000 jobs.

It is clear that the problems in the steel industry are problems that affect all Americans. The foreign government-supported imports has caused our domestic production capacity to lay idle, steel communities are depressed, and many people in related businesses are currently suffering. If the trend of plant closings and high unemployment in the steel industry increases, not only will our Nation be one of the few unable to meet its steel needs, it will be forced into a perilous reliance on uncertain sources of supply. That would seriously jeopardize the stability of our national security.

The Fair Trade in Steel Act of 1984 will send a strong signal to the administration emphasizing the need to implement trade laws which will allow our steel industry to become competitive with foreign markets. I urge my colleagues to support this important legislation, which will create a new market for American steel—unfettered by subsidized and dumped steel and open as a fair market in which all may compete in a real free enterprise system.●

● Mr. APPLEGATE. Mr. Speaker, I thank the gentlemen from Pennsylvania, Mr. MURTHA and Mr. GAYDOS, for calling this Special Order today in support of the United Steelworkers of America's and Bethlehem Steel Corp.'s 201 petition now before the International Trade Commission.

As a nation, we are at a crossroad, do we continue with our present free trade philosophy and allow for the continued decimation of our domestic steel industry or do we provide some type of interim relief to the steel industry to modernize and restructure antiquated plants and technology. On a national level, I wholeheartedly believe the latter course of action to be in the best interest of our country and her peoples.

Foreign steel imports, as we all know, have been increasing dramatically. Steel imports overall during each of the first 4 months of 1984 were over 2 million net tons. This is the first time ever that steel imports were over 2 million tons for 4 consecu-

tive months. This figure represents an unbelievable 90.9 percent increase over the same period in 1983. Carbon steel imports have increased an unbelievable 90 percent over the past year, thus taking away 26 percent of the American market. And to add to this inequity specialty steel imports have captured 64 percent of the market. And this is just a sample of what has been happening in our domestic steel markets.

At the same time, we are seeing announcements from our major domestic producers of steel of plant closings. As a Member of Congress from the State of Ohio, where steel and coal were once major industries and major contributors to the State's economic base, I am keenly aware of the disastrous effects such plant closings have on a State. Multiply this on a national scale, we clearly see the erosion of a strong national economic base. Can we, as a nation, afford to allow this to continue? I would think not.

The 201 petition we are here to support today was filed by the United Steelworkers of America and Bethlehem Steel Corp., and provides the type of temporary import restraints needed to permit the industry to complete modernization plans, which would otherwise be further postponed or canceled in the face of unrestrained steel imports.

Neither I nor the Congressional Steel Caucus, of which I am an executive committee member, are seeking unfair or permanent protective decisions by the International Trade Commission or by unfair or permanent legislation. Instead, we seek only temporary relief until the steel industry can rejuvenate itself and until an agreement can be reached with our foreign trading partners that they will rescind from there trade restrictions on our products. They must also restrain from taking advantage of the American market through subsidizing and illegal exporting practices.

American labor and steel producers have been working together to reduce costs, modernize, and improve efficiencies. Obsolete plants have been closed, wages and benefits have been produced, and work rules are being changed. Numerous capital spending projects have been announced despite the industry's persistent lack of profitability. More can and must be done to make our domestic steel industry more competitive and productive. However, in order to make meaningful advances, the domestic steel industry needs to have the trade laws enforced, which we already have on the books, and to have relief from the market conditions that are impairing the industry.

I fully support the 201 petition and would hope that the International Trade Commission will take immediate and positive action.

I also want to commend my colleagues, JACK MURTHA and JOE GAYDOS, for calling this Special Order to bring this matter to the attention of the House. Unless we begin to enforce our present trade laws, we may see an end to the domestic steel industry on the horizon.●

● Mr. DINGELL. Mr. Speaker, I appreciate the opportunity to join with my colleagues to discuss particular problems facing the domestic steel industry. I have always believed the most effective method to address a problem is to clear the air of misconceptions and to lay the facts upon the table. That is the purpose of this discussion.

My good friend and colleague, Congressman JOSEPH GAYDOS, has already spoken to the issue of the current costs of labor per hour worked within the domestic steel industry. I would like to enhance the discussion about labor costs by talking about the productivity of American steelworkers. Like autoworkers in this country, our steelworkers' productivity is second to none. It is time to debunk the myth that steelworkers in other countries are more productive than our own steel industry employees here in the United States. It is time we looked at the hard facts.

The most authoritative source which compares steel productivity between the United States and our trading partners is a publication entitled World Steel Dynamics published by Paine Webber Mitchell Hutchins, Inc. The data presented by World Steel Dynamics are relied upon by steel industry and labor, both nationally and internationally. As part of my statement, I intend to include for the RECORD statistics representing total employee hours worked per net ton of steel shipped in the United States, Japan, West Germany, France, and England for the years 1976 to 1984.

These statistics show that, at the present time, American steelworkers produce 1 ton of steel in 5.8 hours, on average, compared to 7¼ hours in Japan, 9⅓ hours in West Germany, 10 hours in France, and over 11 hours in England.

Mr. Speaker, the U.S. steel industry is not losing its steel markets because other nations produce steel more efficiently than we do. We are losing steel markets because other nations subsidize their exports to the United States and dump their steel products into this country.

It is true that American steelworkers enjoy a higher standard of living than workers in many other steel producing countries. Our steelworkers earn more per hour. But when the productivity of American steelworkers is coupled with their wages, the actual labor costs of making a ton of steel are not significantly higher in the United States than in other countries. At the present, those labor costs are $138 per ton of steel in the United States, $128 per ton in France, $124 per ton in West Germany, $95 per ton in Japan, and $92 per ton in England.

The cost of shipping a ton of steel to the United States plus the cost of normal customs duties is $80 per ton—far more than the difference in employment costs in any of these industrial nations. Nevertheless, in spite of higher aggregate costs of labor, plus shipping, foreign countries have been able to capture 25 percent of the American steel market in 1984. The reason is not greater productivity by foreign countries, but instead a continuation of unfair trade practices which must be put to an end.

For the benefit of my colleagues, I am submitting for the RECORD one statistical table providing an enumeration of labor productivity in steel of major industrial nations (table I), and another table enumerating comparative labor costs per ton of steel shipped (table II).

TABLE 1.—LABOR PRODUCTIVITY IN STEEL, MAJOR INDUSTRIAL NATIONS

[Hours per net ton shipped]

Year	United States	Japan	West Germany	France	United Kingdom
1976	8.79	10.11	11.12	14.89	19.17
1977	8.95	9.98	12.57	14.26	21.26
1978	8.12	9.55	11.67	12.62	21.56
1979	8.29	8.55	9.85	11.35	18.58
1980	8.31	8.30	9.98	10.14	[1] 37.35
1981	8.07	8.49	9.95	10.24	13.50
1982	7.84	8.07	11.08	10.83	13.35
1983	6.59	7.72	10.76	10.92	10.75
1984 [2]	5.80	7.26	9.34	10.12	11.16
7-year Improvement (1976–83) (Percent)	25.0	23.6	3.2	26.7	43.9

[1] Strike year.
[2] Projected figures for first half 1984, based on the first quarter.
Source: Paine Webber Mitchell Hutchins, Inc., World Steel Dynamics.

TABLE 2.—COMPARATIVE LABOR COSTS PER TON SHIPPED

[Current dollars]

Year	United States	Japan	West Germany	France	United Kingdom
1976	$107.06	$58.70	$93.67	$114.93	$85.40
1977	120.28	69.79	118.31	122.39	103.40
1978	119.60	89.99	137.77	134.86	129.88
1979	135.87	83.31	134.40	148.04	125.67
1980	158.38	85.17	149.29	156.83	[1] 410.79
1981	167.69	38.09	131.63	129.86	131.33
1982	193.41	87.99	147.04	132.53	122.42
1983	157.17	92.41	137.08	140.98	85.79
1984 [2]	138.16	94.88	123.66	127.81	92.18
Percent increase 1976–84	29	62	32	11	8
Dollar increase 1976–84	$31.10	$36.18	$29.99	$12.88	$6.78
1983 costs adjusted to reflect 1978–79 exchange rates	157.17	102.19	182.22	245.10	114.21

[1] Strike year.
[2] Projected figures for first half 1984, based on the first quarter.
Source: Paine Webber Mitchell Hutchins, Inc., World Steel Dynamics.●

● Mr. GEKAS. Mr. Speaker, I rise to express my support of H.R. 5081, the

Fair Trade in Steel Act, and the petition jointly filed by the United Steelworkers of America (USWA) and the Bethlehem Steel Corp. (BSC) with the U.S. International Trade Commission under section 201 of the Trade Act of 1974. The provisions of section 201 provide remedies, including quantitative import restrictions, when foreign imports are increasing and are a substantial cause of serious injury to a domestic industry. The petition, which seeks relief for the domestic steel industry, and the legislation, are necessary elements in a plan to return international steel competition to a fair and equitable arena. Both the bill and the petition would limit imports of carbon and steel mill products to approximately 15 percent of the domestic market for 5 years; both seek a global trade remedy.

There is, however, one area of the steel industry that is unfortunately not covered by both the bill and the petition: neither one includes the wire rope industry in the coverage of its provisions. As a Member of Congress with both steel and wire rope producing plants in my district, I am concerned that the global trade remedies sought in both the petition and the bill fairly cover all aspects of the steel industry that have been adversely affected by the present market conditions. The wire rope industry is being decimated by low-priced imports which already have captured one-third of the wire rope market. I am concerned that the two wire rope companies located in my congressional district, Paulsen Wire Rope Co. of Sunbury and Bethlehem Wire Rope Division of Williamsport, as well as the entire wire rope industry, not be treated as the unnoticed step-child of the steel industry. The future of these companies is as much in jeopardy as the rest of the steel industry, so in all references to the plight of the steel industry, this member also includes the wire rope industry.

To return now to the discussion of the 201 petition and the fair trade bill, it can be said that action on both concepts is based on the premise that there is "free trade" in the world steel market. May I suggest to my colleagues that there is no "free trade" in steel competition.

The American steel industry and market was, in previous years, predominantly domestically supplied. In the 1950's, imported steel took 2.3 percent of the U.S. market; in the 1960's it was 9.3 percent; by the 1970's that total had risen to 15.3 percent. But by 1982 the domestic steel market had lost a record 21.8 percent to imports. Why the dramatic increase? In recent years foreign steelmakers, sensing a highly available U.S. market, have targeted this country as a major source for their exports. This targeting would be of little importance were it not for the fact that most foreign steel competitors are subsidized by their governments or are under direct government control. A second reality to consider is that much of the foreign steel industry has been built on the strength of United States or international loans, heavily financed by the U.S. taxpayer. Other factors repudiating the free market concept highlight the overindustrialization of foreign steel, the continued expansion of steel producing capacity far beyond the domestic market needs of those countries. Combine this overproduction with findings that foreign steel is being dumped into the United States at price margins well below the actual cost of production—that is the fair market value—and the case against foreign steel and for the fair trade in steel bill and the 201 petition becomes solid.

This wash of imported loss-leader steel is not expected to recede in future years. In 1983, foreign steel imports captured 20.5 percent of the U.S. market. In the first quarter of 1984, steel imports totaled 25.5 percent of the U.S. market. It is estimated that steel imports for 1985 and 1986 will continue to dramatically increase.

What are some of the results of this flood of foreign steel?

The U.S. steel industry has in 10 years gone from billion-dollar profits to billion-dollar losses. The industry's losses for 1982-83 totaled about $6 billion. Employment for 1983 in the industry was at 243,000 workers, down from an average of 453,000 workers during the 1975-79 period. In 1983, the productivity of the U.S. steelworker measured at 6.59 man-hours per ton, compared with 7.72 man-hours in Japan, which has been touted as being the world's most productive. But, despite such productivity, thousands of jobs are lost yearly as imports increase.

It is imperative that as we review these casualty figures we also remember that the steel industry is the fourth largest industry in the United States, providing millions of jobs in other related areas such as automobiles, construction, shipbuilding, et cetera. Steel is critical to our economy and to our immediate and long-term national defense. Our steelmaking capacity must be great enough to provide the necessary output of products during any period of crisis. How can we afford to depend on a Third World country, or any other country, to supply us with this or any other precious commodity in times of international crisis? A brief look back at the events surrounding the Arab oil embargo will remind us that we cannot depend on anyone for any natural or manufactured resources. But, as it is, while other steel producing countries have overbuilt their steel industries beyond domestic needs, forcing them to export at subsidized prices, the U.S. industry, so battle-scarred and damaged from fighting imports, cannot supply an American demand even in a time of only moderately brisk economic activity.

We now see that the governments of each industrial nation has assigned the survival of its steel industry its highest priority—that is, all countries but the United States.

Thus, we come to the point where we consider the two stark alternatives facing the steel industry and the Nation: first, continue to submit to foreign targeted-market tactics; and second, pursue a comprehensive trade action plan with the 201 petition and the Fair Trade in Steel Act—remembering the wire rope inclusions—to address the international steel trade inadequacies.

By foregoing the latter and pursuing the former we can look forward to the continued self-liquidation of the domestic steel industry, massive job losses, and the erosion of an industrial field that is absolutely necessary to both a robust economy and a strong defense.

Unlike their foreign competitors, our steelmakers do not receive government loans, subsidies, guarantees or bailouts. Unlike their foreign counterparts, American workers cannot rely on massive government wage and social benefit programs.

The American steel industry can and has been reducing costs, modernizing and increasing efficiency to compete with foreign steel in a fair marketplace. But, that fair marketplace just does not exist.

Only through the extraordinary means of the 201 petition and the Fair Trade in Steel Act, with wire rope amendments, can a truly fair marketplace and an adequate and comprehensive solution to this critically severe global Trade crisis be achieved.

In conclusion, I see the section 201 and the fair trade in steel bill petition as an efficient and effective way of dealing with the basic steel import problem. The present steel crisis represents exactly the type of situation Congress had in mind in enacting the section 201 language. The amount of imports coming into the United States is a substantial cause of serious injury to the domestic industry and its employees.

As a member of the congressional steel caucus and, as a cosponsor of the Fair Trade in Steel Act, I again state my support for both the section 201 petition and H.R. 5081 and would urge its favorable passage—with wire rope amendments—by the Ways and Means Committee and the House of Representatives.●

● Mrs. HOLT. Mr. Speaker, an unremitting stream of steel imports, subsidized by foreign governments, is being dumped into this country at predatory

prices. These foreign government supported imports are taking a tremendous toll in American jobs, American productivity, American trade balances, and American tax dollars.

Foreign government ownership, subsidies, and dumping have become the norm and a major cause of the domestic industry's problems. By 1982, government subsidies to foreign steelmakers had reached spectacular proportions. Imports, at prices far below their costs of production, are now taking more than one-fifth of the U.S. market.

Most foreign steel production is government controlled or government subsidized, or both. These governments are unwilling, primarily for political reasons, to restructure their steel to reduce capacity in order to match market demand. Therefore, despite heavy financial losses by foreign producers, the discipline of the marketplace is absent. The result is that privately owned steel companies in this country are forced into no-win competition with foreign governments which own, subsidize, and protect their steel mills.

The worst possible public policy response to the present steel trade crisis would be to act as if the world market were functioning properly. It is not. It is not allocating capital and rewarding the relatively efficient with profits and employment.

U.S. policy should not continue to accept the involuntary liquidation of an essential industry—an industry that has shut down hundreds of major facilities at great economic and human cost with particular impact in steel regions of the United States.

We in this country must respond appropriately to this unfair situation. Implementation of steel quotas of limited duration may be the only possible solution. This country must retain its position as an industrial leader. America needs a strong steel policy now.●

● Mr. REGULA. Mr. Speaker, I join my colleagues today in an important colloquy on the fate and future of the domestic steel industry.

Tuesday the International Trade Commission is set to rule on the pending United Steelworkers of America (USWA)/Bethlehem Steel Corp. section 201 petition. The petition seeks a comprehensive solution to the problem of continued high and rising imports of foreign steel products—a solution similar to one many of us in the House, 190, to be exact, are advocating in proposed quota legislation.

Mr. Speaker, I wish neither the 201 petition, nor the quota bill were necessary, but the situation confronting the steel industry is critical, and I am convinced that immediate action is essential.

The steel industry is in the worst condition since the 1930's Depression. The domestic steel industry is currently operating at less than 73 percent of capacity and hundreds of thousands of steelworkers are unemployed.

Import statistics in large part reveal why. In the fifties steel imports accounted for only 2.3 percent of the U.S. market. By the sixties this number had risen to 9.3 percent. By the seventies import penetration reached 15.3 percent and so far, imports in the eighties have not fallen below 20 percent. In January of this year steel imports captured an unprecedented 26 percent of the domestic market.

This trend cannot be allowed to continue if we are to maintain future capacity to produce steel.

Free trade in steel is, unfortunately, a myth. Foreign government ownership and subsidization have led to excess capacity and uneconomic pricing. As the only remaining open market for steel, and the only major industrial nation which has no overbuilt capacity, the United States is suffering the consequences of unfairly traded steel imports.

These consequences include plant closings and job losses in steel communities throughout the country. The entire country suffers, however, in terms of lost tax revenues, increased Government payments for unemployment compensation, an increased and rising trade deficit, and a reduced ability to meet our national security needs.

Due to the most drastic capacity reductions in the industry's history over the past year and a half, the United States is currently the only industrialized nation that could not meet its own domestic steel needs in the event of a surge in domestic demand such as a national defense emergency.

This is a frightening revelation and underscores why prompt relief is needed. Steel is so basic to the national security and the industrial strength of this country that we cannot afford to be dependent on imports for this vital commodity.

The trade problem in steel can no longer be handled on a product-by-product, case-by-case, country-by-country basis. The problem is a global one and the only effective solution will be one which deals comprehensively with steel trade issues on a worldwide quantitative basis.

In November 1982, President Reagan, in discussing the resolution of the specialty steel case, said:

> If we are ever to put an end to constant trade disputes in steel, we must stop dealing with discrete import and export issues in isolation and instead begin a coordinated approach to the problem.

The 201 petition offers such an opportunity and possibly the only one if we are to prevent the virtual extinction of our domestic steel industry.●

● Mr. PEPPER. Mr. Speaker, it is no secret that our domestic steel industry is in serious trouble. Almost everyone knows of another individual who has been severely affected by the depressing condition of our domestic market. A condition, that I believe, can be attributed to unfair trade measures practiced by foreign competitors.

I question those who believe we have free trade in the steel market. I ask them, "How can we have free trade, when most foreign steel companies are government-owned or government subsidized?" Not to mention that these foreign steel producers target our marketplace for their products. Dumped and subsidized steel imports are being sold in our markets in increasing amounts at suppressed price levels. This is quite contrary to the intent of our trade laws, and from all indications these unfair trade practices are going to continue to jeopardize our domestic market.

Since early 1982, Bethlehem Steel and other domestic steel companies have filed an unprecedented number of antidumping and countervailing duty cases against foreign steel-producing nations. Yet the problem today, both in terms of volume of imports and margins of dumping, is more serious than it has ever been.

It is obvious that we cannot continue to simply file unfair trade practices cases. In addition, we cannot continue to sit silently and watch imports consume our market. We need import relief. Because I believe section 201 relief is the most efficient and effective solution to the global problem, I support the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel.

Mr. Speaker, I hope my colleagues will join me in supporting this petition. The future of our country's national security and infrastructure, not to mention economy, are dependent upon our country's domestic steel industry. We cannot allow unfair trade practices to continue—we need relief.●

● Mr. PERKINS. Mr. Speaker, I am participating in this special order today to demonstrate my support for the Fair Trade in Steel Act, and for the 201 petition filed by the Bethlehem Steel Corp. and the United Steelworkers of America with the International Trade Commission.

Mr. Speaker, this special order should not really be necessary. The administration, the Members of the House, and the other citizens of the United States should know by now how absolutely essential it is to take the actions specified in both the 201 petition and in H.R. 5081, the Fair Trade in Steel Act.

Mr. Speaker, a world of statistical information and other documentation exists already in support of the argument I and others are making. The information and documentation will be augmented today.

So I would like to approach this from a somewhat different aspect. The first point I would like to make is that there is no use crying over spilled milk. These is no use rehashing mistakes in the form of policy decisions made by executives in the steel industry since the end of World War II—especially since many of them are long since gone from the executive suites.

The other point I would like to make involves families I have known for many years. They are people who worked in the steel and related industries in northeastern Kentucky, and nearby Ohio and West Virginia communities. And they are the people in the coal producing counties of eastern Kentucky.

Mr. Speaker, many of them are now laid off, and in danger of losing many of the essential possessions they have worked hard for. I am talking about homes, small farms, furniture, appliances, transportation.

These people cannot be stoics forever.

They know that a steel industry is essential to the security of the Nation, both domestically and internationally. They know that they can produce steel as efficiently as any people anywhere in the world, given the tools and equipment. They know that a productive American and world economy can use the steel they can produce.

So they ask why we who have been given the responsibility to make the laws of the Nation, and administer the laws of the Nation, cannot see to it that an economy is built that will absorb the production they can deliver. They ask why, in the name of a growing economy, we do not control interest rates, as a last resort, rather than let a few individuals who consider high unemployment a cure of inflation, control them.

Mr. Speaker, we can begin to answer these questions by passing the Fair Trade in Steel Act, and the International Trade Commission can begin to answer them by approving the 201 petition.

We can show them that we want them to be what they want to be—working people, and not what they do not want to be—welfare people.●

● Mr. ECKART. Mr. Speaker, I want to commend my colleague from Pennsylvania for his hard work on this important issue and for bringing it to the House attention this evening.

As a Member of the House Steel Caucus, I am a cosponsor and an active advocate of this legislation. Millions of tons of dumped and subsidized foreign steel and iron ore imports have enabled foreign producers to capture almost one-fourth of our domestic market, resulting in plant closings and the loss of nearly 100,000 American steel jobs. Foreign steel is stealing our jobs, injuring our industrial base, and endangering our national security.

Our country needs a strong steel industry—our national defense and economic security depend on it. Steel is still our most important industrial material. This is our fourth largest industry and its products are critical raw materials for most major segments of the economy. Our military defense relies on steel, which is contained in virtually every item of our military equipment. Steel is equally vital to the transportation and communications systems that enable us to move forces quickly and provide support activities.

The steel industry is clearly in a crisis, and we need to address that crisis. We cannot respond by pretending that the world market is functioning properly. We now have foreign government ownership, subsidies and product dumping. Foreign steel companies are backed by their governments, who have unlimited access to taxpayer funds for operation, expansion and modernization. Our firms cannot compete with foreign governments who own, subsidize, and protect their mills.

America needs a new steel trade policy and she needs it now. We must take immediate, decisive actions to restore order to the steel market. Workers have had their plants closed, their wages reduced, their benefits cut, and their work rules changed. Now we must take action to insure that our trade laws are enforced and to grant relief from the market conditions that are impairing the industry today. The Fair Trade in Steel Act is essential to the revitalization of the declining steel industry and the continued economic growth of the United States.●

● Mr. HILLIS. Mr. Speaker, frequently legislation is proposed to avert a looming crisis—a national or international change having seriously detrimental economic or strategic effects. Such a crisis could be the unemployment of thousands of skilled workers or the loss of vital industrial capacity. In recognizing such a pending crisis the Congress has responded by passing the necessary legislation. That is what we are here for.

The American steel industry is not facing a future crisis—it is in crisis. Thousands of American steelworkers remain unemployed. Scores of steel mills have closed. Foreign steel imports continue unabated. The steel industry and its employees are in a depression of unparalleled magnitude in recognition of this we are proposing a comprehensive solution: H.R. 5081, the Fair Trade in Steel Act of 1984.

Some contend that our current legislative and regulatory processes are adequate to correct this crisis. If this is true than why is the industry, in the midst of our national recovery, in its current extremely depressed condition?

This measure will give the steel industry the opportunity it needs to continue its modernization. All analysts agree that our steel facilities must be upgraded to world class standards if America is to compete against foreign steel. Such modernization will involve the expenditure of over $60 billion. Where is this money to come from? Private investment has largely reached its limits. The Government will not provide such funding—in direct contrast to many foreign governments. It can only come from internally generated money—money from the industry itself.

The industry, under current conditions, is unable to finance further modernization. During the last decade capital expenditures have fallen, and will continue to fall this year. If this trend is to be reversed the domestic steel industry will have to sell more steel—it is that simple.

Steel purchases are highly dependent on price. The difference of a few cents will often cause a buyer to turn to one seller instead of another. Yet in this highly competitive market the American steel industry and its workers are asked to compete against substandard foreign wages as low as $1.72 per hour.

All of these problems are compounded by numerous, documented instances of unfair trading practices. The unanimous final injury determination of the International Trade Commission found that dumping margins for Brazilian plate imports ranged from a minimum of 50 percent to a maximum of 100 percent.

The only way in which our steel industry will be able to compete against foreign steel—the substandard wages and dumping—is by affording it the protection that H.R. 5081 provides. Foreign imports will be limited to 15 percent for 5 years, allowing our industry to fairly compete, for the first time, with foreign steel. Domestic sales will increase, and with it, the money that the industry will need to modernize. The Secretary of Commerce will be required to monitor the steel industry to insure that this modernization continues.

I ask my colleagues who are unsure about the need for this legislation to examine the statistics on steelworker unemployment, mill utilization, and the level of foreign steel imports. This crisis cannot be allowed to continue. I urge you to join me in cosponsoring H.R. 5081: The Fair Trade in Steel Act.●

● Mr. LUKEN. Mr. Speaker, I rise for the purpose of expressing my strong support for efforts to assist the steel industry in obtaining import relief from a flood of foreign steel that is threatening to cause the "liquidation" of the industry.

The steel industry, in order to be competitive in today's international markets, must have the capital so nec-

essary for modernization. Yet the increasing influx of foreign steel at predatory rates is making recovery and capital investment impossible.

For the first quarter of 1984, 6.5 million tons of steel were imported, amounting to 25.4 percent of domestic consumption. That is an alltime record for any 3-month period.

It is clear that the remedies of U.S. trade laws on dumping or countervailing cases are not adequate to the task of stemming this surge of imports. We need to take a far broader solution in order to assure our industry a level playing field. When our domestic producers win a dumping or countervailing duties case against one nation, the business often just moves to another foreign competitor.

This problem is illustrated by what happened when the U.S. industry won a case against Brazilian steel plate. The Brazilians simply shifted their steel exports to other products, and other nations sold plate to U.S. consumers. Brazil has tripled its exports to the United States since the case was won.

A coordinated, worldwide approach to steel trade is essential to avoid this phenomenon of shifting. We cannot simply continue to utilize antiquated laws on a piecemeal basis to put our finger in the foreign trade dike—the leak will simply show up somewhere else.

That is why I am supporting two efforts for an international solution to the unfair trade problem. The first is a petition filed by Bethlehem Steel and the United Steelworkers with the International Trade Commission for relief under section 201 of the Trade Act of 1974, and the second is H.R. 5081, the Fair Trade in Steel Act of 1984. Both of these measures would provide the necessary comprehensive solution to the rapidly increasing imports of steel. The 201 petition and the Fair Trade in Steel Act would limit imports to 15 percent of apparent consumption for the next 5 years.

This import limit would enable the industry to modernize and improve its international competitive position. It would put our domestic industry on a more level playing field than it is currently.

This comprehensive approach will eliminate the excessive cost and frustration of filing numerous dumping or countervailing duties cases against a host of countries. It is time we stood up for our basic industries. Let us get behind these efforts.●

● Mr. LONG of Maryland. Mr. Speaker, I join my distinguished colleagues today in expressing my support for the section 201 petition filed jointly by the United Steelworkers and the Bethlehem Steel Corp. before the International Trade Commission.

On April 30, in an old, shut-down pipe mill at Bethlehem's Sparrows Point plant, located in my district, over 8,000 steelworkers and their families turned out in the morning rains to tell a specially convened session of the Congressional Steel Caucus a simple yet vital message: "Free trade in steel is not enough, we need fair trade now!"

I want to thank my good friend from Pennsylvania, JACK MURTHA, for agreeing to bring the Steel Caucus to my district to hear firsthand from local union, management, and community leaders, the devastating impact foreign steel imports have had on Baltimore's steel community. It was only fitting that the hearing should be conducted in that mill. What the caucus saw was the empty shell of a once thriving steel pipe mill that produced over 300,000 tons of steel each year and employed over 2,000 highly skilled steelworkers. Today, the mill stands idle: a victim of foreign steel imports.

The testimony gathered at that field hearing represents a growing grassroots response to the import threat, and the story of the Baltimore steel community has been passed on to the International Trade Commission as evidence in support of the steel industry's pending import relief petition.

One area of concern I should like to emphasize—and which I think is too often overlooked—in our fight to curb foreign steel imports is the necessity of strengthening our defense industrial base. The plain fact is that we cannot hope to maintain our superpower status in the world, or maintain the readiness of our armed forces, without a strong steel industry.

Almost every major defense weapons system in our inventory, including our modern attack helicopters, our national fleet, our armored ground forces, and our strategic arsenal, contains steel components for which there is no acceptable substitute. Without a reliable domestic supply of steel, we can not hope to meet adequately the challenges of national security and world leadership.

The Nation's steel industry is rightfully seeking the strict enforcement of our existing trade laws to help combat the illegal trade practices of foreign governments. Last month, foreign steel imports soared to 26 percent of our domestic market, due in large part to the massive subsidies foreign producers receive from their governments.

Without vigorous enforcement of our trade laws, our domestic steel industry cannot compete in a world marketplace dominated by unrealistic and predatory prices. Failure to act now will result in a continued dismantling of our steel plants at home and a steady erosion of our industrial base.

Both management and labor have done their parts to help correct the problems within the steel industry. It is now up to the International Trade Commission and Congress to act to support our Nation's most basic industry.

I urge my colleagues to join the fight against foreign steel imports and help strengthen our domestic steel producers.●

● Mr. O'BRIEN. Mr. Speaker, I rise today to add an optimistic tone to the dialog focusing on the current condition of the domestic steel industry. I am just as distressed as each of you are about plant closings and job losses due to import penetration. In addition, like you, I believe we need import relief, and the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel is the most efficient and effective way to achieve this goal. However, I would like to spend a couple of minutes on what I perceive our expectations can be once we receive relief, and that is modernization.

We are already seeing efforts within the domestic steel industry to make the industry more competitive. However, efforts by the industry alone are not enough to combat the flow of dumped and subsidized steel from foreign countries.

In order to enhance productivity, domestic producers have reduced costs significantly in the last few years. For example, last year, the United Steelworkers of America agreed to a 10.5-percent wage cut, considered the largest self-help program ever undertaken by a group of American workers. In addition, the use of energy, a major cost for the American steel industry, has been reduded from 22.1 million Btu's per net ton of raw steel in 1973 to 21.1 million Btu's in 1983—a savings of 1 million Btu's per ton. A most significant move by the industry toward efficiency has been closure of economically inefficient plants and facilities within plants, and linking the most efficient elements of two or more plants together into more competitive and lower cost-producing units.

A brief history of Bethlehem's modernization plans outline the industry's willingness to become more efficient. Prior to 1981, Bethlehem shut down two bar mills and built a new bar mill. Several blast mills were shutdown at the Sparrows Point plant, and a new blast furnace was built to replace four others, and a new 110-inch plate mill was installed at the Burns Harbor plant.

Without relief, Bethlehem cannot afford to continue the necessary elements of modernization. However, if relief is granted, Bethlehem has expressed its willingness to, "commit to use all the cash flow from its steel operations for reinvestment in, and modernization of its steel operations for the duration of any period of remedy resulting from this petition," assuming the remedy, "is effective in reducing

and controlling the surge of imported steel and eliminating the severe depression of selling prices in the U.S. market."

In essence, Bethlehem could implement at least 10 major products during the next 5 years and could undertake 17 additional major products during the next 5 years assuming the industry receives relief. Furthermore, Bethlehem's efforts are shared by the entire industry.

Mr. Speaker, the domestic steel industry can be competitive, efficient and modernized, however, current market conditions impair these goals. If import relief is granted, and we see the end of import dumping and price suppression, I am optimistic that through continued progress and enhanced productivity our domestic steel industry will regain its market share, our economy will prosper, and the future for the domestic steel industry will brighten. ●

● Mr. RITTER. Mr. Speaker, as a representative of a major steel producing State, I am actually aware of the import problems plaguing the steel industry today.

Bethlehem Steel Corp. and the United Steelworkers of America have filed a petition for import relief under section 201 of the Trade Act. The United Steelworkers and the domestic steel industry need prompt, temporary relief from the unrelenting pricing and volume pressures brought on by the continued onslaught of imports.

Bethlehem Steel Corp. is headquartered in Pennsylvania, but has facilities throughout the United States. They are our Nation's largest integrated nondiversified producer of carbon and alloy steel mill products, with the exception of tool and stainless steel. Bethlehem Steel Corp., as well as our other domestic producers, have been injured by the increasing levels of imports which continue to flow into this country at alarming rates. This injury has manifested itself in record losses for the industry, in plant closures, in reduced employment, capability utilization, production and sales, and in reduced ability to make capital investments or to raise debt or equity funding in the marketplace.

This situation is precisely what section 201 of the Trade Act was designed to alleviate through the imposition of temporary import restraints. The petition filed by the United States Steelworkers of America and Bethlehem Steel Corp. seeks the limitation on imports into the United States of carbon and alloy steel (excluding stainless steel and tool steel), product by product, and country by country. The petition requests that the limitations imposed allow a total of less than 15 percent of apparent consumption for all products for at least the next 5 years.

These limitations would enable the domestic steel producers of this country to continue their efforts to modernize and otherwise improve their steel facilities, rendering them competitive with foreign steel producers.

Mr. Speaker, this is not an unreasonable request or an unobtainable goal. A modern and productive domestic steel industry is essential to continued prosperity and economic stability in this country. I urge the members of the International Trade Commission to examine the overwhelming evidence presented before them and act positively on the injury determination now pending.

America needs a strong steel industry now.●

● Mr. COELHO. Mr. Speaker, I rise today to address one facet of the only comprehensive solution I see that will efficiently and effectively combat the flow of price-suppressed steel imports, and that solution is section 201 petition relief. I urge my colleagues to support the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel because I believe section 201 relief is necessary for the continued modernization of the domestic steel industry.

It is evident that the industry has made significant efforts to modernize its operations. However, unless relief is granted, domestic steel companies will not be able to afford to continue planned improvements.

A brief tour through companies all across our Nation will illustrate the industry's willingness to compete.

Bethlehem, in 1982 made capital investments of $470 million in modernizing its steelmaking facilities, including a $165 million coke oven battery and a $27 million billet inspection and conditioning facility. Similarly, United States Steel improved efficiency with a multimillion-dollar capital investment program that added 30 percent more continuous casting capability at one of its operations. LTV's improvements included a $165 million continuous slab caster being installed, which will result in annualized savings of $84 million in the production of flat rolled steel. Also, its modernization of the seamless pipe facility will produce savings at normal operating levels of $43 million annually.

Mr. Speaker, I could stand here and give more examples of modernization within the domestic steel industry, because there is not a plant in America that has not been forced to improve its capabilities in order to compete with dumped products. However, I think I have illustrated my point that considering market conditions, the industry is doing everything it can to compete. Now, I only hope the ITC will recognize these valiant efforts and award a favorable decision. Our country's future is dependent upon the modernization of our domestic steel industry.●

● Mr. YATRON. Mr. Speaker, the United Steelworkers of America, as the representatives of most of the production workers in the American steel industry, and the Bethlehem Steel Corp., as the Nation's largest, integrated, nondiversified producer of carbon and alloy steel—other than tool or stainless—steel mill products, have petitioned the U.S. International Trade Commission under section 201 of the Trade Act of 1974.

The domestic steel industry has been seriously injured between 1977 and the present time as a result of the dramatic increase in the share of apparent consumption in this country held by imported steel by the depression and suppression suffered attempting to compete with low-priced imported steel. This increased level of low-priced imports has resulted in a significant idling of productive facilities, the inability of a significant number of firms to operate at a reasonable level of profit, and dramatic levels of unemployment or underemployment within the industry.

In addition, increased imports and import price undercutting resulted in reduced domestic producers sales, production, and wages, and market share. For example, an examination of the market share accounted for by domestic producers shows a pronounced decline from 86.7 percent during 1973 to 1976 to an alltime low of 78.2 percent of apparent consumption held by domestic producers in 1982.

The decline in market share is matched by significant unemployment in the industry. During the period 1977 through the first 11 months of 1983, while imports of carbon steel and alloy steel mill products surged and increased their market share, employment in the domestic industry declined by more than 200,000 people. A severe decline in total wage and salary payments accompanied the drop in employment, resulting in a net loss of about $3.5 billion in payments to workers between the 1977 to 1981 period and 1983, even on a current-dollar basis. These statistics on lost jobs and lost wages sound like numbers on a page. Unfortunately, the terrible human cost that has been extracted from steelworkers, their families, and their communities from unemployment and underemployment are real.

Furthermore, as import levels shot up in the last 7 years, the return on investment for the steel companies declined, reflecting both lost incremental sales, and the price depression, and suppression experienced by the domestic industry. As the net profit ratio of the domestic industry has declined, so has the ability of the domestic industry to reinvest in steel facilities.

Yet, the American steel industry and its workers are implementing, as rapidly as circumstances permit, steps to

achieve a much higher level of competitiveness. Virtually every company within the steel industry has taken many painful steps to reduce costs. They have sold unneeded assets, modernized plants to the maximum extent possible, restructured lines of business and other elements of corporate structure for cost savings, and stepped up aggressive sales program. They have reduced or eliminated dividend payments in order to pour all available capital back into improved steel production processes, they have closed economically inefficient plants and facilities within plants, they have negotiated concessionary labor contracts, and reduced significantly the number of salaried industry executives and managers, cut salaries, benefits, and other various costs associated with salaried employment.

However, these initiatives can only succeed if they are accompanied by prompt and effective Government action to stop the flood of dumped and subsidized steel from foreign countries. If the trend toward soft liquidation in the American industry is to be checked, and industry modernization programs are to be accelerated, our Government must adopt a rational set of rules for the international trade in steel. It is essential that a favorable decision and effective remedy be reached in the section 201 case filed by the United Steelworkers of America and Bethlehem Steel Corp.●

● Mr. VANDER JAGT. Mr. Speaker, I want to join with a good number of our colleagues in addressing a serious problem that plagues our domestic steel industry, and that problem is the continuous flow of steel imports, subsidized and/or controlled by foreign governments, which is injuring our domestic market. These injuries are evident to us, as we travel across our districts—the injuries suffered from plant closings, job losses and the devastating social and psychological effects unemployment has inflicted on families and communities. After observing the severe consequences of import penetration, I have come to the conclusion that the only way our domestic steel industry is going to regain its vitality is through import relief, and that is why I urge my colleagues to support the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel.

I want to remind my colleagues that it was Congress who established the administrative remedy in section 201 of the Trade Act of 1974. In its report the House Committee on Ways and Means described the "fundamental purpose" of import relief under section 201 as: "to give additional time to permit a seriously injured domestic industry to adjust and to become competitive again under relief measures. * * *" (37R. Rept. No. 571, 93d Cong., 1st Sess. 44 (1973).)

Moreover, at that same time, the Senate Committee on Finance in its report described the purpose of section 201 as, "the prevention of serious injury to 'industries and workers' who 'inevitably face serious injury, dislocation and perhaps economic extinction' as barriers to international trade are lowered." (S. Rept. No. 1298, 93d Cong., 2d sess. 119 (1974)).

These two statements describe the legislative intent of section 201 relief. In today's economy, I see the necessity for section 201 relief. Ten years after the Senate report, dislocation and unemployment are everyday occurrences to steelworkers throughout the Nation.

We need a comprehensive solution to a global problem. We need section 201 relief. Since early 1982, Bethlehem Steel and other domestic steel companies have filed numerous antidumping and countervailing duty cases against foreign steel-producing nations. Yet the market penetration and price suppression of foreign imports continues to injure the domestic steel industry. Because antidumping and countervailing duty cases are filed product specific and country specific, these cases are cumbersome, lengthy, and cannot possibly cover the scope of a section 201 case.

On the other hand, a section 201 case covers all of the foreign product lines, and permits a selection of remedies that can account for circumstances that are unique to individual countries. In addition, as the House Ways and Means Committee report stressed, guaranteeing the domestic steel industry a share of the market allows the industry the necessary time to modernize and increase its effiency to compete with foreign suppliers.

I think the most compelling argument supporting section 201 relief can be surmised from a recent decision made by the International Trade Commission. The Commission unanimously ruled that Bethlehem Steel had suffered injury from the dumping of Brazilian steelplates. At the same time, however, other countries began importing plates at suppressed prices. Thus, even though Bethlehem Steel won its antidumping case, imports continue to dominate the market with unfair practices. Even more discouraging is the fact that the United States is now receiving 2 tons of imports from Brazil for every ton it had before.

Mr. President, we cannot sit idly and continue to watch steel imports inflict injury upon our domestic steel industry. I believe section 201 relief is necessary. Congress created the procedure for administrative remedy, now the time is here to ensure that the remedy is utilized in an industry that is vital to our Nation's economy and security—the domestic steel industry.

● Mr. ADDABBO. Mr. Speaker, the U.S. steel industry is a vital part of our national defense. When the steel industry suffers as a result of high levels of imports of foreign steel, our national defense suffers. And when our national defense suffers, it is imperative that we do everything in our power to strengthen the weak link.

Over the last 20 years, the steel industry has taken a heavy beating. The amount of subsidized steel shipped into this country has been one of the main problems. In 1960, it accounted for 9.3 percent of the steel used in the United States. By 1970, foreign steel captured 15.3 percent of the domestic market. And in the first few months of 1984, steel imports claimed more than 25 percent of the U.S. steel consumption. Foreign steel is a significant factor in the domestic steel market.

The effect it has had on our industrial base is very disturbing. Factories have been forced to close and major layoffs have taken place. Thousands of steelworkers are idle as a result. Their jobs soaked up by foreign steel manufacturers.

While the sheer magnitude of widespread layoffs in the steel industry is a great human dilemma, there is another issue raised by those closings that poses a serious threat to mankind. These steelworkers are an important part of our industrial defense base. They are needed to meet the demand in production by our Armed Forces.

Virtually every major hardware system for our defense forces starts with steel. Applications of steel in defense range from a few pounds of very sophisticated alloys in spacecraft, to tons of plate for the hull and other components of a warship or tank. If we do not have the American steel manufacturers in operation, how can we expect to meet the immediate demands that are forced upon us during a situation where our national security appears threatened.

Steel is an essential product for our military preparedness. We cannot allow American steel manufacturers to be forced to close up shop because foreign nations are subsidizing the production of steel for export.

The 201 petition that is currently being considered before the U.S. International Trade Commission asks the Federal Government to limit imports of carbon and alloy steel to 15 percent of the market for the next 5 years.

On behalf of 240,000 steelworkers and in the best interests of our national security, I implore this Commission to grant the 201 petition of the steel industry. The issue at stake here is that we need a healthy U.S. steel industry, we need U.S. steelworkers, we need to rely on domestic production, to meet all of our national security

needs in the safest and surest way possible.●

● Mr. COYNE. Mr. Speaker, I rise tonight to express my strong support for H.R. 5081, the Fair Trade in Steel Act, and the section 201 petition filed by the United Steelworkers of America and the Bethlehem Steel Corp., seeking import relief from illegally dumped foreign steel in the United States.

The U.S. steel industry plays a vital and integral part in America's economy and national defense. If we are to remain a first-class industrial and military power it is important we have a first-class steel industry.

But today, the steel industry is reeling from the increasing amount of foreign imports and dumped steel in this country. The present problems that the steel industry is experiencing are a direct result of violations of American trade laws by foreign countries which produce steel products.

Foreign imports, at unchecked levels, only worsen this Nation's economic problems. The United States pays a high price in lost tax revenue, decreased productivity, an outflow of U.S. dollars, and a substantial increase in unemployment or welfare payments to those who lost their jobs because of foreign steel.

In a recent report, the American Iron and Steel Institute stated:

> One million tons of imported steel products represent approximately 4,700 American jobs. The 16.7 million tons of steel imported in 1982 translated into 75,000 Americans not going back to work, and an additional 225,000 jobs in related industries and services remaining unfilled.

The United Steelworkers of America and the Bethlehem Steel Corp., have filed a section 201 petition with the International Trade Commission on behalf of the entire American steel industry. This petition would grant the industry, as provided in H.R. 5081, a 5-year import relief period. During this time, the steel industry would have the opportunity to update and modernize its antiquated facilities in order to allow the industry greater competition in the world steel market.

Recently, the ITC held hearings on that petition. During these hearings I wrote the Chairman of the International Trade Commission, Mr. Alfred E. Eckes, Jr., requesting that the ITC support the petition. The text of my letter to Chairman Eckes follows:

> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., May 9, 1984.*
>
> Hon. ALFRED E. ECKES, Jr.,
> *Chairman, U.S. International Trade Commission, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: On January 24, 1984, the United Steelworkers of America and the Bethlehem Steel Corporation filed a Section 201 petition with the International Trade Commission seeking relief from steel imports. This Section 201 petition was filed on behalf of the entire United States' steel industry which is experiencing its worst depression since the 1930's. A prime cause of this depression is the unchecked flood of illegally dumped foreign steel.
>
> Since the 1960's, the amount of foreign-made steel imported into the U.S. has steadily increased. The annual average tonnage imported to the U.S. has risen for each 5-year period from 1960 to 1979, and the increase has continued through the 1980's. During the years from 1960 to 1964, the U.S. imported 4.5 million tons of steel. From 1965 to 1969 the import tonnage per year climbed to 12.9 million tons and to 16.1 million tons by 1974.
>
> During the 1960's and early 1970's, the rise in steel imports was attributable to an increase in the demand for steel in the domestic market. Demand rose from an annual average of 76 million tons from 1960 to 1964 to 110 million tons from 1970 to 1974. However, from 1975 through 1979, demand for steel in the U.S. market declined to an annual average of 106 million tons, and 92 million tons from 1980 to 1983. During these same periods, steel imports increased to 16.9 million tons and 17.3 million tons, respectively. Today, foreign-made steel accounts for 26% of all the steel used in the United States.
>
> The high influx of foreign-made steel has dealt a serious blow to the already staggering U.S. economy. The increase of steel imports has caused record unemployment in the steel industry. For April, 1984, unemployment in the United States stood at 7.8% with 8,525,000 people out of work, of which 225,000 alone were unemployed USWA members.
>
> The City of Pittsburgh makes up a large part of the 14th Congressional District, which I represent. In 1966, the primary metals industry in the Pittsburgh Standard Metropolitan Statistical Area, peaked at its highest production level in history employing 133,000 people, 85 percent of whom were employed in basic steel. Today, only 44,200 employees remain in this basic steel industry.
>
> Recent figures indicate that the steel industry is operating at 75 percent of its utilization capacity. Many interpret this as a sign that the steel industry is improving, however, this interpretation is incorrect. The total utilization capacity of the steel industry has increased because the number of inactive plants, which once contributed a zero percent utilization capacity, have been shut down, and are no longer included. The result is an increase in the utilization capacity for the remaining plants in operation.
>
> But the steel industry and the remaining workers have not given up the fight for survival, yet. Both industry and labor have undertaken serious efforts to improve the U.S. steel industry: costs are being reduced, steel plants are being modernized, obsolete plants are being closed, wages and benefits are being cut, and more efficient ways of manufacturing steel are being implemented. The steel industry spent $2.2 billion in 1982 for capital projects in the steel business despite losses totaling $2.8 billion in steel operations. This investment accounted for 52 percent of its total capital spending for 1982. In the three previous years the steel industry spent between $2.3 billion and $2.6 billion on steel investments each year.
>
> Many steel producing countries throughout the world have adopted measures to protect their steel industries. The United States is the only major world market where foreign steel producers can illegally dump their excess steel at unfair market prices.
>
> The modernization and efficiency improvement efforts underway in the steel industry will all be for naught unless relief from these illegal steel imports is achieved. The U.S. steel industry cannot afford either the time or the money to bring each nation which dumps its steel in the U.S. to court to solve this problem. The best solution would be approval of this Section 201 petition.
>
> Approval of the Section 201 petition would grant the U.S. steel industry a 5-year period of relief from illegal steel imports. This period would enable the industry to modernize its steel facilities so that it can again compete in the world steel market.
>
> The well-being of the nation's economic recovery, the United States' steel industry, and hundreds-of-thousands of American steelworkers' jobs depend upon a decision by the ITC supporting this Section 201 petition.
>
> I urge the ITC to support this very important petition.
>
> Sincerely,
>
> WILLIAM J. COYNE,
> *Member of Congress.*

Mr. Speaker, if the United States is to experience a true economic recovery, its most important industry must be rescued from its present plight. To save the steel industry, to protect Americans from further unemployment, to secure a sound economy for America's future, we in Congress must pass H.R. 5081, and actively support the USWA and Bethlehem Steel's section 201 petition. I urge my colleagues to support this measure and express their support for the section 201 petition to the ITC.●

□ 2100

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMBASSADOR DAVID ABSHIRE LAUDS THE LATE CHAIRMAN, CLEMENT J. ZABLOCKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, on May 30, 1984, on page 14408 of the CONGRESSIONAL RECORD I inserted a tribute to the late Clement J. Zablocki by the Center for Strategic and International Studies as part of their 11th Annual Williamsburg Conference. Also on that occasion Dr. David Abshire, former chairman of CSIS and now the U.S. Ambassador to NATO, recalled his long acquaintance with Clem Zablocki and paid additional tribute to him. At this point in the RECORD, I insert the text of the remarks concern-

ing Mr. Zablocki by Ambassador Abshire:

REMARKS BY AMBASSADOR DAVID M. ABSHIRE, MAY 5, 1984, AT THE 11TH ANNUAL WILLIAMSBURG CONFERENCE OF THE GEORGETOWN UNIVERSITY CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES IN MEMORY OF CLEMENT J. ZABLOCKI

Our dear friend Clem Zablocki came on the Advisory Board of our Center for Strategic and International Studies in the year that it was established in 1962. He was an outstanding member of that board until his death last year. In the mid-1960s he also took the lead in organizing and editing a book for the Center on the Sino-Soviet rivalry and split that came out at a time before that was accepted by many people. It brought together outstanding scholars from all over the United States. He not only attended but chaired a number of these Williamsburg conferences.

Twelve years ago, when I was in the State Department and worked very closely with him on Capitol Hill, it was a rather difficult time. The War Powers Act was in formation, and some of the versions of the War Powers Act that were being offered would have deeply hindered our deterrent in the NATO know that at times it has given some people a problem in terms of rules of engagement and so forth. But by and large his great belief was in the idea of consultation. He was a believer in the strong presidency as well as a strong Congress, and a cooperative attitude between the two. That cooperative attitude had to be solidified by deep consultations.

He had both an abiding faith in his God and his country. He was a person of tremendous spiritual and moral dedication. We are proud that he was a part of our Center, and I just want to pay tribute to him here, and to dedicate this eleventh conference to Clem Zablocki.●

HUD APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DENNY SMITH) is recognized for 5 minutes.

● Mr. DENNY SMITH. Mr. Speaker, during House consideration of the HUD appropriations bill, I was unfortunately precluded from being here due to business in my congressional district. However, I have some concerns with the HUD appropriations legislation and want to take this opportunity to express those objections.

First, I object to the procedure under which this bill was brought before the House of Representatives. The budget resolution for 1985 has not yet been approved; and any action on an appropriations bill prior to passage of the conference report for the budget violates section 303(a) of the Budget Act. The Budget Act was designed to help this legislative body control Federal spending. What meaning will the Budget Act have if we routinely waive one of its most important provisions?

Second, I object to the spending levels in H.R. 5713, the HUD appropriations bill. H.R. 5713 contained $2.3 billion above the 1984 level. HUD appropriations bill was $3.8 billion over the administration's request. In light of our Nation's budget deficits, we can hardly afford these kinds of spending increases. It is bad enough to be spending billions of dollars over last year's levels in many of these appropriations bills, but it is equally wrong to be in violation of the Budget Act. I urge the House of Representatives to subject itself to the law and to honor the rules we have to govern an otherwise unruly budget process.

For the above reasons, I believe it is clear that if I had been present for the vote on the HUD appropriations bill, I would have voted "nay."●

CAMSCAM II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 10 minutes.

● Mr. LOTT. Mr. Speaker, yesterday the House was prevented by the new Democrat Caucus-imposed rule restriction on appropriations amendments, from voting on an amendment by the gentleman from California (Mr. LEWIS) to require uniform TV camera coverage of our debates, gavel-to-gavel. As my colleagues are well aware, this whole controversy was precipitated on May 10 when the Speaker gave instructions to his control room operators of the remote control cameras in the galleries, to begin using wide-angle shots of the Chamber during special orders. As has been pointed out on previous occasions, this was done without prior notice or consultation with the minority.

Mr. Speaker, yesterday was but one more indication that the Democratic leadership is not willing to permit the House a chance to decide on the wisdom or fairness of this new policy or consider the alternative which we have suggested which is to permit the viewing public to see the entire Chamber on a periodic and uniform basis throughout each day's proceedings.

I have met with similar resistance to hearings and deliberations on this matter in the Rules Committee which has direct jurisdiction over the broadcast rule—House Rule I, clause 9. I have written to both Chairman PEPPER and Subcommittee Chairman LONG requesting such hearings so that we might responsibly exercise our jurisdictional duties and defuse this partisan panning controversy.

In both instances my requests were rejected on the grounds that a Democratic Caucus task force or committee is looking into this matter, as is the alleged bipartisan Speaker's Advisory Committee on Broadcasting. While I have no objection to having various ad hoc party groups make their recommendations, indeed, our own Republican conference has already endorsed a uniform panning policy, I do think this must be handled ultimately by a duly constituted committee of the House, and the sooner the better.

The caucus study committee is not likely to bring any rules changes forward until the first day of the next Congress, and then ask that it be included in the new rules of the 99th Congress, without opportunity for Rules Committee consideration. The Speaker's Advisory Committee presents even more difficult problems. In the first place, it has been defunct since the 96th Congress, despite efforts by the Speaker and Chairmen PEPPER and LONG to claim its existence. Moreover, even if it is reactivated and reappointed, it has a ratio of 4 Democrats to 1 Republican—hardly a confidence building ratio in terms of a fair and bipartisan solution.

At this point in the RECORD, Mr. Speaker, I include my exchange of correspondence with Chairmen PEPPER and LONG. In future special orders I intened to further discuss the history of the Speaker's Broadcast Advisory Committee. The items follow:

COMMITTEE ON RULES,
SUBCOMMITTEE ON THE
LEGISLATIVE PROCESS,
Washington, D.C., May 15, 1984.

Hon. GILLIS W. LONG,
Chairman, Subcommittee on the Legislative Process, Longworth Building, Washington, D.C.

DEAR GILLIS: I am writing to ask that you schedule at the earliest possible time a hearing of our subcommittee on the matter of current problems connected with the operation of the House broadcasting system.

As you know, considerable furor has been raised about the Speaker's recent policy switch on camera directions during special orders. While I do not question the Speaker's right under House Rules to make such changes, I think legitimate questions have been raised about its selective application and possible effects.

Our subcommittee does retain oversight jurisdiction over the House broadcast rule and indeed has listed it as one of our possible areas for further study in this Congress in its March 1, 1983, oversight plan submitted to the Committee on Government Operations. I think the time has come for us to take this responsibility seriously, and on a bipartisan basis. I look forward to your response.

Sincerely yours,

TRENT LOTT.

DEMOCRATIC CAUCUS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 16, 1984.

Hon. TRENT LOTT.
House of Representatives,
Washington, D.C.

DEAR TRENT: Thank you for your letter of May 15.

As I'm sure you are aware, there currently exists a bi-partisan committee, charged with the responsibility of reviewing the operations of the House Broadcast System. That is the Speaker's Advisory Committee on Broadcasting of which I am a Member. David Stockman held the Republican seat on that committee until he resigned from Congress, and it is my understanding that his vacancy has never been filled.

That bi-partisan committee is the appropriate vehicle to make recommendations concerning the rules governing the televising of House proceedings. Under the normal procedures of our Caucus, its recommendations would be examined by our Caucus Committee on Organization, Study and Review and by our full Democratic Caucus before being introduced for action in the House.

With very best wishes, I am

Sincerely,

GILLIS W. LONG.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 22, 1984.

Hon. GILLIS W. LONG,
Chairman, Subcommittee on the Legislative Process, House Committee on Rules, Longworth House Office Building, Washington, D.C.

DEAR GILLIS: Thank you for your letter of May 16 in response to my request for a subcommittee hearing on House broadcast-related problems.

I appreciate the fact that the Rules Committee had originally recommended that some existing or new committee assist the Speaker in the "management, oversight, and improvement of all activities and policies connected with audio and visual coverage and broadcasting of House floor proceedings," and that the Speaker initially appointed the "Speaker's Advisory Committee on Broadcasting" in the 96th Congress for that purpose.

However, in reviewing our leadership files, I have found that the Advisory Committee has been defunct in the 97th and 98th Congresses. On March 12, 1981, our Republican Leader, Mr. Michel, transmitted to the Speaker the name of Congressman Bill Thomas to replace Dave Stockman on the Advisory Committee. Some six weeks later our ranking Republican on the House Administration Committee, Mr. Frenzel, in response to an inquiry on the Advisory Committee, had his staff check with the Speaker's Office and was informed that the committee had not been reappointed by the Speaker. It is true that Representative Rose has continued to assist the Speaker in an advisory capacity in the 97th and 98th Congresses, but, in neither Congress was the committee reappointed, nor was our leadership approached on filling any vacancy.

Moreover, even if the Advisory Committee is now reactivated, I think you will agree with me that the ultimate authority for any revisions in the broadcast rule is solely within our jurisdiction. Republican Leader Michel, for instance, introduced H. Res. 500 on May 17th, requiring uniform coverage of the Chamber throughout each day's proceedings, and that resolution has been referred to our committee.

Because the House broadcast-related problems are of some immediate consequence and urgency, I think it would be best to approach this in a responsible, bipartisan fashion in our committee right now, rather than to wait for the recommendations of either the Advisory Committee or the Caucus Committee studying possible rules revisions. I have therefore written to Chairman Pepper, who also shares my concern about the future of House broadcast coverage, and asked that this matter be taken-up by the Rules Committee. I am enclosing a copy of that letter for your information.

Thank you again for taking the time to respond so expeditiously to my request. I do hope you will reconsider my suggestion in light of the urgency of the problem and our committee's prerogatives and jurisdiction over this issue.

With warm personal regards, I am

Very truly yours,

TRENT LOTT.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1984.

Hon. CLAUDE PEPPER,
Chairman, House Committee on Rules, H-312 Capitol Building, Washington, D.C.

DEAR MR. CHAIRMAN: I read with interest your one-minute speech in the May 16 Congressional Record in which you indicated that, "whoever perverts the use of television endangers the continuity of that practice." You went on: "It is just a question of time, if that continues, until it will be discontinued."

As one who served with you on the Rules Subcommittee in 1977-78 that helped to develop the current House broadcast rule and procedures, I share your concern that television coverage not be allowed to dominate or distort our proceedings. You were the pioneer in Congress who as long ago as 1944 introduced the first broadcast resolution in the Congress as a means of bringing our government closer to the people, and I think your continued efforts over the years to bring this dream to fruition have realized that goal.

Because I share your concern about the future of the House broadcast system given the current politicization and emotionalism surrounding that issue, I think you can play an important role, as both the founding father of congressional broadcasting and chairman of the Rules Committee, in helping to resolve some of the problems which currently surround House broadcasting. I would respectfully ask that you convene either a hearing or meeting of the Rules Committee and some of the principals involved to lay the bipartisan ground work for some uniform rules of procedure for the operation of the broadcast system in a manner that will not be construed by either Members or the public to involve political manipulation or control by either party. I think some exesses in this regard have been committed on both sides of the aisle, but I am not suggesting our committee rehash the details of those incidents. Instead, I think we can play a constructive role in depoliticizing the issue and insuring the future survivability of the House broadcast system.

As you know, our committee retains primary jurisdiction over the House broadcast rule (Rule 1, clause 9), as well as oversight jurisdiction over the broadcast system. In fact, our committee's oversight agenda submitted to the Government Operations Committee for this Congress on March 1, 1983, listed "broadcasting of House floor proceedings" as one of the possible areas for oversight in the 98th Congress, as did the Subcommittee on Legislative Process (H. Rept. 98-17, pp. 203 & 204). As such, I think we do have a legitimate responsibility and obligation to the House to look into this matter.

On May 5, 1984, as the ranking minority member on the Subcommittee on Legislative Process, I wrote to Subcommittee Chairman Gillis Long making the same suggestion, and he responded on May 16 that the Speaker's Advisory Committee on Broadcasting "is the appropriate vehicle to make recommendations concerning the rules governing the televising of House proceedings." Their recommendations in turn, he went on, would be reviewed by the Democratic Caucus Committee on Organization Study and Review "before being introduced for action in the House."

While the Speaker's Advisory Committee on Broadcasting was nominally bipartisan in the 96th Congress, with three Democrats (Representatives Rose, Brooks, and Long) and one Republican (Representative Stockman), it has not been officially reappointed in either the 97th or 98th Congress, and today only Representative Rose serves in an advisory capacity to the Speaker. Chairman Long has erroneously indicated that the Advisory Committee still exists and that the Republicans have simply not filled the Stockman vacancy. The fact is that a replacement was presented to the Speaker on March 12, 1981, by the Republican Leader, but no appointments were made by the Speaker.

Even if a working, bipartisan Advisory Committee still existed, which it does not, it would have no authority to directly recommend any rules changes to the House. That is our function under Rule X, and I know you jealously guard our committee's prerogatives. Moreover, the Rules Committee now has pending before it H. Res. 500, introduced by Representatives Michel, myself and others, on May 17th, amending the broadcast rule "to provide for the periodic visual broadcast coverage of the entire House Chamber on a uniform basis throughout each day's proceedings." I think this resolution could serve as a useful starting point for our committee in attempting to defuse the issue of selective panning of the Chamber during only part of the day's proceedings.

I hope that you will take the above suggestions in the serious vein in which they are intended. As a member of both the Republican leadership and the Rules Committee, I share your concerns about the institution of the House and the future of our broadcast system. I strongly feel we should act now as the duly elected committee of the House having jurisdiction over this matter before the situation deteriorates further. I do not think we have the luxury of waiting for the recommendations of a one-man Democratic advisory committee or a Democratic Caucus task force, nor do I think it advisable to proceed with this on a partisan basis as both approaches suggest. The results, no matter how well-intentioned, can hardly be expected to gain the confidence or acceptance of our party if we are not a part of the formulation process. I think the Rules Committee, on the other hand, as the leadership committee of both parties, can proceed to address the problem in a bipartisan, responsible, and dispassionate manner that will have the best interests of the institution in mind. I hope you will agree.

With warm personal regards, I am

Very truly yours,

TRENT LOTT.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D.C., May 24, 1984.

Hon. TRENT LOTT,
2400 Rayburn House Office Building, Washington, D.C.

DEAR TRENT: I am in receipt of your letter dated May 18, 1984, concerning the subject of the House broadcasting system.

I know you are aware of the Speaker's Advisory Committee on Broadcasting, a bipartisan group dedicated to reviewing the operation of the broadcast system. Additionally, the Speaker has referred the matter to the Democratic Caucus Committee on Organiza-

tion, Study, and Review, which is chaired by our able Rules Committee colleague, Martin Frost.

In light of this, I think it is better that we do not consider the question of the House broadcast system at this time. The Committee, of course, retains jurisdiction over the matter and we may wish to undertake some study in the future.

Kindest regards, and

Always sincerely,

CLAUDE PEPPER, *Chairman.*●

SODIUM LABELING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 5 minutes.

● Mr. SMITH of Iowa. Mr. Speaker, the effort that some of us have been making to alert the public to the vital health need to have more information regarding the sodium content of processed foods is continuing.

In 1981, Congressman ALBERT GORE, JR., joined me in sponsoring legislation amending the Food, Drug, and Cosmetic Act to require the labels of processed foods subject to the act to show the sodium content per serving when it was in excess of 35 milligrams. Soon thereafter, hearings by the Subcommittee on Investigations and Oversight of the House Science and Technology Committee, showed the close relationship between sodium intake and high blood pressure for the sizable segment of the American public who are most subject to the danger of stroke and death from heart failure.

High blood pressure is the worst secret and silent killer in our society. Every year, tens of millions of Americans are afflicted with a condition that may be the single largest contributor to heart disease, the No. 1 cause of death. It is also a significant cause of stroke, and a major factor in kidney failure. High blood pressure is a condition that strikes particularly hard at black Americans. In addition, 40 percent of all our citizens over the age of 65 suffer from this menace. It is particularly insidious because it often produces no outward symptoms until its real damage has already been done. The cost in health care dollars has been estimated by the National Institutes of Health at over $8 billion per year.

The publicity which surrounded this congressional sodium-labeling effort, as well as efforts by the American Medical Association, the American Heart Association, and about 20 other national health and consumer organizations soon brought forth over 100 members who joined us as cosponsors to the bill.

Although the law establishing exact sodium-labeling standards has not been completed, the publicity surrounding this campaign and the public pressure which it has generated has caused several of the food companies to provide sodium information on their labels and some of the big companies to develop foods with "No Salt Added."

Meanwhile, the Food and Drug Administration (FDA) has responded to this congressional sodium-labeling initiative and the public support generated by these congressional efforts, by publishing in the Federal Register the final labeling regulations requiring food processors to list the sodium content of products labeled after July 1985, for foods subject to the Pure Food, Drug, and Cosmetic Act that carry nutrition labeling. The FDA regulations set standards for the terms "Reduced Sodium," "Very Low Sodium," "Low Sodium," "Sodium Free," and "Unsalted" on the labels.

This action by the FDA, in response to the congressional initiative, is a step forward. It puts the Food and Drug Administration on record as recognizing the importance of sodium content information to the American public. It marks one of the few areas in which this Administration has been willing to set new standards for businesses to protect the public health.

But once the Administration has recognized the importance of sodium-content information on food labels, there is no reason to stop with nutrition labeling. Only about 50 percent of the Nation's food products now carry nutrition labeling. Why stop at half of the products? In some categories of food products, very few carry nutrition labeling.

Our sodium-labeling legislation (H.R. 17) which is before the Congress would require the labeling of all prepared foods to show the sodium content when it is 35 milligrams per serving or more. This requirement is less onerous than the FDA rule which triggers sodium labeling on the nutrition label at 5 milligrams per serving. The American Medical Association determined that sodium quantities at levels less than 35 milligrams per serving were not medically significant for the average person on a sodium restricted diet. The FDA 5-milligram level is a nuisance that is needlessly being imposed on business. An additional provision in H.R. 17 minimizes that burden on business provides for an exemption for all small businesses that have annual sales of less than $500,000.

We applaud the FDA for its sodium labeling actions. It is a significant first step. But, it is only a first step. We call on the Administration and the food industry to join with us to finish the task of complete sodium labeling of all processed foods. Then all of the public, regardless of where they live and what processed foods they buy, will have the data they need to a monitor their sodium intake where it is essential to their health. We will not stop until the task is completed.●

ELIGIBILITY FOR RENTAL HOUSING DEVELOPMENT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, I am pleased to announce that the Secretary of the Department of Housing and Urban Development, Samuel Pierce, agreed to a proposal to expand the list of eligible cities for the rental housing development program (HODAG), enacted as part of the Housing and Urban-Rural Recovery Act of 1983, from the original HUD proposal of 41 cities of over 50,000 to 133 cities of over 50,000. The rental housing development program is a new rental production program whereby the Federal Government makes grants to local communities to enable them to build rental housing for low- and middle-income people. These Federal grants may be used in a number of ways to reduce the cost of rental projects so that rents are affordable to low- and middle-income people.

The agreement reached by Secretary Pierce and myself yesterday will enable 133 cities of over 50,000, which is 23 percent of all cities of over 50,000, to be eligible to apply to HUD for grants to build new rental housing. I am pleased that Secretary Pierce accepted my proposed expansion of the original HUD list and will take the steps to implement this expanded eligibility and regulations to be published in the Federal Register shortly. This new rental housing program was the major innovative effort pushed by congressional Democrats as part of last year's housing authorization bill against strong administration opposition. The administration sought to limit the scope of this rental program by devising a formula that would exclude many older and larger cities of our Nation from being able to apply for grants to build new rental housing. The original HUD proposal would have made eligible only 7 percent of all cities over 50,000. My proposal, agreed upon yesterday, expands this eligibility to 23 percent of all cities of over 50,000 to be made eligible to apply for these rental housing grants. The agreement between myself and Secretary Pierce represents a compromise by both sides since my original proposal would have provided this assistance to 251 cities as compared to the administration's 41 cities. If HUD officials had discussed their original proposal with myself and other members of the Banking Committee before they had drafted these regulations this dispute would never have occurred. In any event, this issue has been resolved favorably for both sides.●

ADMINISTRATION ACTION WRONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

● Mr. FUQUA. Mr. Speaker, the Suwannee River floods periodically and the flooding in 1984 is some of the worst in recent memory. It is estimated that damage to private residents, business and government entities is $2.4 million and the damage to agriculture has not yet been calculated. Truly this is a bad time for people living in the seven counties in Florida through which the Suwannee flows.

Gov. Bob Graham, on May 24, requested President Reagan to designate Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, and Suwannee Counties as disaster areas eligible for emergency assistance. The President has denied this request and appears to be trying to minimize the damage.

Mr. Speaker, I had occasion to visit the Suwannee during the high water stage and the damage is immense. I have always supported President Reagan when I felt he was right but I must oppose his actions when I believe he is wrong and this time he is definitely wrong. The people living in these seven counties deserve better treatment from their Federal Government.●

MARY C. GARLICK—IN MEMORIAM

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

Mr. OBERSTAR. Mr. Speaker, early in the morning of Thursday, May 31, life ebbed quietly away from my beloved mother-in-law, Mary C. Garlick. At the age of 79, she lived a long, full, and exemplary life, a deeply spiritual woman, overflowing with joy and love. On the occasion of the final mass celebrating her faith and ours, my wife Jo, spoke for the entire family in delivering a profoundly moving and eloquent eulogy, which sums up mom's life, and which I include in the RECORD:

MARY C. GARLICK

(By Jo Oberstar)

These words are for you, Mom, with love.

One of our US astronauts, as he spun in orbit around the world, on looking back to our beautiful earth, made a wise and memorable observation. "Earth," he said, "has no frames, no boundaries."

Clearly, he saw that we on the earth are one family, a unity of peoples and nations.

His comment is relevant this morning because it could apply equally well to Mom's life—especially to her love and especially to her faith. For they, too, had no frames, no boundaries.

Mary, our mother, lived love. She was love in action, in thought, in extension. All who came to know her recognized and experienced her lovingness, her total giving and sharing of self, her spontaneous and extraordinary generosity. Love flowed from her as naturally as the rain falls upon the dry land, and it refreshed all of us who were touched.

Undoutedly it surrounded the patients she cared for as a young nurse at King's County Hospital in Brookland, N.Y., where she met Dad, and they fell in love together. Her love reached out to Dad and to all of us children and to all of our friends, to her friends and Dad's. It touched Dad's patients, over the years, as she loved and prayed for their healing. And finally, her wonderful, all-encompassing love reached out to those who cared for her in her last days, even to their loved ones, and especially to their children . . . because her greatest and deepest love was reserved for her children, for all children.

Children, she always said, were the jewels in a mother's crown. Obviously, we understood, and provided her with ten grandchildren, each of whom she loved and cherished as individuals, as they were, not as she or we, even, wished them to be. Although only five of her grandchildren could be here today, we know these five represent their loved and absent cousins, each of whom is here in spirit with us.

I remember Mother's favorite admonitions to all of us: Love one another, stay close to one another, care for one another, help one another, be kind to one another, always.

She was always telling Tom, in particular, that he had to take care of Cookie and me, and all of her grandchildren, when she was gone. She made him promise, and we shall hold him to it, but only in teasing a little, because he and we carry on her lovingness among ourselves and among our children.

I remember Dad commenting on Mom's loving generosity, in his usual dry manner: "I don't mind if Mary gives some of my hard-earned money away, but why does she have to give it all away?"

Mom was, above all, a lover who saw no frames, no boundaries—only people who needed loving.

Mary, our mother, lived equally in her faith. Faith was her roots, her foundation, the wellspring of her enormous strength, persistence, courage, and wisdom.

Father John, teasing, used to call her the "defender of the faith." Her faith was deep and rich. She poured it out on all of us and into all of us. From her we learned, I'm still not sure exactly how, but primarily by example, that faith in a loving God teaches truth, provides understanding, gives courage, and, always, brings peace of heart and mind and soul.

From Mom we learned the most exquisite and important lesson of any life—the lesson, the belief we share, through her, with you today . . . that life is but a preparation, a training course, for the real purpose of our creation and of our being—to die in the Lord that we may live forever in heaven in everlasting joy.

SUNSHINE NEEDED

(Mr. EMERSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EMERSON. Mr. Speaker, I rise this morning to express my support for the sunshine resolution, which is introduced by my friend and colleague, Mr. BROWN of Colorado, and of which I am proud to be an original cosponsor.

It has been my great privilege to have a long association with this House. I had the pleasure of being a page in the 83d and 84th Congresses. And I served in staff positions from the 87th to the 92d Congress. From the 93d to the 96th Congress I worked in the private sector in Government relations positions that brought me into frequent contact with the workings of this body. I had the high honor of being sworn in as a Member of the House of Representatives at the beginning of the 97th Congress.

I believe the experiences which I have had over the past 31 years have given me a knowledge and an insight into the Congress that are most valuable to me as a Member. Those experiences give me a point of comparison and observation that also tell me there has never been more of a need for reform of the rules of the House than there is at the present time. The sunshine resolution would go a long way in making many necessary reforms.

The sunshine resolution would provide eight major reforms:

First, it would allow dissenting views to be placed in conference reports.

Second, it would provide for reliable, advance notice of House floor proceedings.

Third, it would remove the secrecy surrounding discharge petitions.

Fourth, it would provide for an honest, complete and uncensored broadcasting of House proceedings.

Fifth, it would require formal House adoption of an oversight agenda at the beginning of each Congress.

Sixth, it would eliminate voting by proxy in committees and subcommittees, thus forcing members to be present if they wish to be recorded on a vote.

Seventh, it would require the CONGRESSIONAL RECORD to reflect accurately and honestly the proceedings of the House.

Eighth, it would require party ratios in committees and subcommittees that represent the party composition of the House.

Mr. Speaker, these reforms are badly needed, not simply to protect the rights of the minority, but also to restore faith in the House of Representatives.

GROWING DANGER OF A CHEMICAL AND BIOLOGICAL WEAPONS RACE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, a recent article in West magazine, the Sunday magazine published by San Jose Mercury News of San Jose, Calif.,

contains an outstanding, though chilling, article on the menace to international security from continuing research on chemical and biological weapons and defenses, much of it based on the new technology of bioengineering.

Although the use—though not the possession—of chemical weapons was outlawed by the 1925 Geneva protocol and the use of biological weapons was outlawed by the 1972 Biological Weapons Convention, the Department of Defense, according to the article, is currently spending $100 million a year to develop medical defenses against chemical warfare and $30 million a year on medical defenses against biological warfare.

The reason is that the new technology of bioengineering makes possible genetically engineered weapons and weapon defenses that could revolutionize warfare, just as the atomic bomb did 40 years ago. Scientists say that unless something is done to keep this technology out of the military arena while it is still in its infancy, it will not be possible to do so in the future. Biotechnology makes it possible to manufacture micro-organisms and chemicals that are deadlier than ever. Diseases can be genetically altered to make them resistant to vaccinations and to existing medicines. On the other hand, antidotes can be developed to immunize one's soldiers to either chemicals or to exotic diseases.

Because of the possibilities that the Soviet Union, or even smaller powers, could be developing such capabilities, the U.S. Defense Department is expanding its research efforts in these fields. The Department insists that it is not developing an offensive biological warfare capability but is only interested in defensive systems. Unfortunately, as the article points out, the line between offensive and defensive research is almost nonexistent, and depends mainly on the intent with which the knowledge is used, since knowledge gained from defensive research can also be used to make offensive weapons.

Moreover, just by doing this kind of work, the military in any country engenders the natural suspicion that sooner or later it will use what it has learned to make bioengineered offensive weapons. This is especially likely where, as is the case in our own Defense Department's research, information about equipment the military is developing to protect against CBW is kept secret.

In the present state of paranoia that defines relations between superpowers, it would appear that the first step should be to try to strengthen existing treaties by banning even defensive CBW warfare work. Moreover, quite apart from treaty negotiations, some agency, such as the U.S. Arms Control and Disarmament Agency, should be required to monitor the ethical, social and arms control implications of such work. The policy implications of this should be under constant review at the highest level in the administration and by the appropriate committees in Congress.

Mr. Speaker, clearly we are rapidly reaching the point where the arms race will either be brought under control or technology will take control out of our hands entirely, with consequences that may be as fatal for the human race as a full-scale nuclear war would be. Hopefully, there is still time, but not much time.

The full article by John Hubner, staff writer for West magazine, follows these remarks:

THE HIDDEN ARMS RACE

(By Jon Hubner)

A new generation of chemical and biological weapons is crawling out of the test tubes of genetic engineers. It's like a Second Coming of the atomic bomb—and it could revolutionize war in ways even the generals don't like.

"Thinking the unthinkable." The phrase brings to mind images of the lieutenant who trails the president with the black box, or of uniformed men sitting around a table deep in the Pentagon, devising nuclear war scenarios. Sad to say, the unthinkable has new meaning these days. We have more to fear than nuclear war.

Today, some scientists and military men are bringing back to life a Frankenstein monster that was supposed to be forever catatonic, out of sight, out of mind. The beast is sitting up, rubbing its eyes. We are on the verge of an arms race in chemical and biological weapons.

"The menace to international security from CBW (chemical and biological warfare) developments during prior years has become more evident . . . Increased military preparedness for CBW may soon accelerate, irreversibly, into a grotesque new arms race. The prospect then may be one of CBW weapons becoming 'conventional': poised for use wherever and whenever military necessities may be satisfied by their special properties."

This warning comes from the 1983 *Stockholm International Peace Research Institute Yearbook*. Some of the best writing on the military is published in Sweden because the Swedes have long believed the more that is known about what generals around the world are doing, the better the chances for peace. Still, a "bugs and gas" arms race seems hardly credible—it sounds more like the premise for a made-for-TV movie than like something that is actually happening. After all, military strategists loathe these kinds of weapons as deeply as ardent pacifists.

"Generals say, 'Oh, a CBW attack would wipe out the forces in the first 20 minutes. We couldn't have our war games,'" says Dr. William Beisel, deputy director for science at the U.S. Army Medical Research Institute for Infectious Diseases (US-AMRIID) in Fort Detrick, Md. "Their attitude has always been, 'It's too horrible to consider. Don't even remind us it exists.'"

What's more, there are strong international prohibitions against CBW. The 1925 Geneva Protocol outlawed the use (though not the stockpiling) of chemical weapons. The 1972 Biological Weapons Convention banned the use of biological weapons and was the first treaty in modern times that actually resulted in the destruction of stockpiled weapons. The treaty was relatively easy to ratify because, frankly, a decade ago neither the U.S. nor the Soviet Union considered these weapons worth developing.

So why is the Department of Defense spending $100 million a year to develop medical defenses against chemical warfare, and $30 million a year for medical defenses against biological warfare? What has changed since 1972?

There is a one-word answer to these questions: bioengineering. This new field makes possible genetically engineered weapons that could revolutionize warfare the way the atomic bomb did 40 years ago. Advances in biotechnology have made the CBW threat so potent the military cannot ignore it.

The $130 million is only the beginning of Defense Department funding, because bioengineering really hasn't gotten off the ground yet. "We're just learning how to put wings on the plane," is how one San Francisco biologist puts it. At this point, it appears the military will be as integral to the growth of biotechnology as it was to the development of the aircraft industry.

"Unless we do something to keep the technology out of the military arena now, while it is still in its infancy, we won't be able to," says Dr. Robert Sinsheimer, a former California Scientist of the Year who is chancellor of UC-Santa Cruz. "As the power of the technology becomes more evident, people will grow more suspicious. Any time a rare disease breaks out anywhere, people will think, 'Aha,' and that will fuel an arms race cycle."

SCENARIOS FOR DISASTER

If you have read anything about bioengineering, you know the new science is our best hope to cure cancer and hereditary diseases. Recombinant DNA technology does at the gene level what grafting does for fruit trees. Scientists use *Escherichia coli (E. coli)*, a species of bacteria found in the human intestine, as tiny biological factories. The human gene for insulin, for example, is grafted onto *E. coli*, the bacteria are placed in a fermentation tank and the tiny bugs—the VWs of genetic engineering—make insulin. In time, bioengineering is going to revolutionize the chemical and oil industries. They already have bugs that eat oil—the perfect way to clean up an oil spill. How much longer will it be before they have bacteria that can make oil?

Now think of this capability from the point of view of a military strategist or terrorist whose only goal is to bring an enemy to its knees. CBW agents are cheap, and they do not destroy property. Biotechnology makes it possible to manufacture bugs and gas that are deadlier than ever, and to do it faster than ever. Say you wanted to wipe out an army, a city or even a whole society—here are some of your options:

You could take a disease like smallpox that we have all but eradicated, genetically alter it to make it resistant to vaccination, clandestinely release the virus and create a horrid epidemic.

You could release a virus created through genetic engineering that was unknown to enemy doctors, but for which your doctors had developed a vaccine. Make it fast-acting, release it on a large scale and it would be like Legionnaire's disease (which was once studied by the Defense Department), only much, much worse.

Starting with a rare virus like diphtheria, you could use recombinant DNA techniques to graft it to the common *E. coli* and make a devastating weapon, particularly if you had vaccinated your troops against diphtheria before releasing it. The virus would be safe to handle because you could wait until the last possible moment to insert the gene that makes diphtheria deadly. It would be like striking a match. This is not the stuff of science fiction. A Harvard scientist is trying to wed diphtheria to *E. coli* right now. He is doing it as part of a study of cancerous tumors, but like all researchers, he will publish his findings.

You could use biotech to make chemical warfare possible. Generals traditionally have disliked poison gases because they are dangerous to use. Even the best protective clothing doesn't guarantee your soldiers won't suffer as badly as the enemy's. But if you could inoculate your troops against nerve gas, say, so that it wouldn't harm them even if they inhaled it, you would have a weapon as deadly and selective as a bullet.

You could make deadly viruses more deadly. Botulism, for instance, only grows in a dark environment. Using the new technology, however, you could extract the plasmid sensitive to sunlight, improve its ultraviolet resistance and make it tough enough to reproduce in daylight. Imagine what would happen if you then dumped it into the reservoirs that supply New York City's water.

You could target victims by skin color. Some races are more susceptible to certain diseases than other races; San Joaquin Valley fever, for example—for which a vaccine is being developed at a Navy lab in Oakland—is much more deadly to dark-skinned people than to Caucasians. Suppose South Africa and Zimbabwe were locked in the kind of war that Iran and Iraq are now fighting. Releasing valley fever would be the perfect way for South Africa to "soften" its enemy without threatening its own soldiers.

Squeamish about all this mass slaughter? Well, you wouldn't *have* to use CBW on people. A century ago, dozens of varieties of corn were grown in America. Today, because of the development of fast-growing, high-yield hybrids, six varieties of corn produce 70 percent of the U.S. crop.

A UC-Berkeley plant pathologist has been working with a wilt fungus that attacks only the marijuana plant. If an enemy developed a fungus that attacked only the half-dozen varieties of corn grown in the U.S., it could wipe out a major underpinning of the American economy.

COVERING YOUR BACKSIDE

Paranoia about this sort of thing is on the rise. In 1981, Cuba—a country that sees the hand of the CIA behind every disaster—claimed a clandestine U.S. operation was responsible for a major outbreak of dengue fever that occurred between May and October of that year.

Dengue is an acute infectious disease caused by the bite of the *Aedes* mosquito, the same insect that transmits yellow fever. Victims suffer through several days of fever, headaches and such pain in the joints that the disease was once called "breakbone." There have been other dengue epidemics in the South and the Caribbean, but none so serious as the one that struck Cuba.

The 1981 outbreak was the first epidemic on the island since 1944. The cases came from three widely separated parts of Cuba. More than 300,000 cases were reported; at the height of the epidemic, there were 10,000 new cases a day. One hundred fifty-eight people died, 101 of them children under the age of 15.

In blaming the U.S., Cuban officials claimed it was unlikely that the disease had broken out spontaneously in three spots at the same time; that there were no reports of the disease in the Bahamas and Jamaica, and only 22 cases in Haiti; that none of the early victims had ever been off the island, and none had been away from home in the weeks before the outbreak occurred.

But when it comes to CBW, paranoia—or legitimate fear—is hardly confined to the Castro regime. The Cuban charges are "typical Communist propaganda to cover their own backsides," says Joseph Douglass, director of the National Security Division at Jaycorp, a major defense think tank in Alexandria, Va. And he quickly counters with an accusation of his own. "We've had a major in the Cuban Revolutionary Army announce the existence of an Advanced Chemical Warfare Training Camp."

"We may have a national security problem in this area," adds Douglass, who is coauthor of CBW: The Poor Man's Atomic Bomb. "The new technology enables you to do things cheaply, it enables you to make things more lethal, to make things that nobody knows about, to make things that are specifically designed to be resistant to known treatment methods. The new technology makes weapons that were not strategically important potentially strategically important. We don't have a clear idea what our vulnerabilities are."

And when it comes to strategic vulnerability, tiny Cuba is the least of our worries. Washington officials are "very concerned" that Russian scientists are buried in their labs, working overtime to create bioengineered weapons we have no defenses for. The Russians, of course, are equally paranoid about what we might be doing. This is how an arms race starts.

"Our CBW capability has withered, but there's no evidence that the Russian interest has been anything but unflagging," says Brad Roberts, executive assistant to the director of the Georgetown Center for Strategic and International Studies, a prestigious public policy institute. "I'm not sure the Russians share our moral revulsion for these kinds of weapons. Their perception is that modern warfare is an integrated battlefield. They've attached a high importance to R&D in this area. They may have achieved a breakthrough in their understanding of CBW that renders our capabilities a generation behind.

"It's very clear to me that the Soviet chemical capability could win a war for them in Western Europe," Roberts continues. "A quick strike on Rotterdam or other ports with persistent chemicals could completely deny us the ability to reinforce our troops in Europe. You can clean up a tank or a soldier, but not a whole city. If we were attacked with chemical weapons in Europe, the only response we'd have is nuclear. Would we nuke them? The answer is no. We'd be hard pressed to know what to do in that situation."

MEANWHILE, BACK IN THE LABORATORIES

His grant is only $100,000, but one of the most important of the Defense Department's $100 million chemical defense research projects is being conducted in the UC-San Francisco biochemistry laboratory of Dr. John Baxter. Baxter is using recombinant DNA techniques to clone the human gene for acetylcholinesterase, an important neurotransmitter that is involved in half of the body's synapses. It is the body's "on-off" switch, starting the electrochemical reaction that stimulates a muscle, turning the synapsis off when the function is complete. Organophosphorus, the deadly ingredient in nerve gases, attacks acetylcholinesterase, causing it to lock in the "on" position. A nerve gas victim's entire nervous system fires simultaneously, like a box of firecrackers exploding at once, until the victim "overstimulates" to death. You've seen it happen if you've ever sprayed a cockroach with insecticide and watched it writhe and die.

Baxter is trying to clone acetylcholinesterase from the electric ray, a fish that has an abundance of the enzyme in its stinging mechanism. Baxter's is one of six Defense Department projects attempting to clone the enzyme so the military can use it to develop a nerve gas antidote.

"If we can clone acetylcholinesterase, we can pull it apart and see where the active sites are, where the organophosphorus compounds attack," says Col. William Huston, head of the Army's chemical defense program. "We can then target drugs we are developing to those sites to intervene in organophosphorus intoxication, or we can generate enough acetylcholinesterase to inject soldiers so that it will act as a buffer agent."

Some scientists, as we'll see, are far from sanguine about military support for bioengineering research. But Baxter sees no problem with it.

"I'm delighted that the military is willing to pay for this research because if I can get the money from them instead of NIH (the National Institutes of Health), that saves $100,000 for another investigator," he says. "This is high-priority research we'd be doing no matter what. We'll learn a lot of basic things about how the body functions from acetylcholinesterase. To take chunks of military money and divert it to health is good for the country."

Across the Bay on the Oakland waterfront is the military's major biological lab on the West Coast, the Naval Biosciences Laboratory. A UC-Berkeley facility under contract to the Office of Naval Research, the lab employs 100 people and has a $4.2 million annual budget, 85 percent of which comes from the military. Its director is Dr. David Kingsbury, a professor at the university's School of Public Health. Among other projects, the lab is studying the genetics of bubonic plague, making a vaccine for San Joaquin Valley fever and producing monoclonal antibodies for highly contagious diseases like Lassa and Rift Valley fevers.

"This lab and USAMRIID are charged with a very frightening task," Kingsbury says. "We're the two Defense Department labs that are tasked with identifying biological warfare agents. That's one of the most awesome tasks I can think of, coming up with a definitive statement that we've been attacked with a biological weapon, knowing that that statement is probably equivalent to pushing the (nuclear) button. Reagan could always call the Kremlin and ask 'What the hell did you do that for.' My guess is, he wouldn't. He'd tape that message to the front end of a Minuteman missile."

CBW HEADQUARTERS

The U.S. Army Medical Research Institute for Infectious Diseases is headquartered in Fort Detrick, an hour or so north of Washington, D.C., in Frederick, Md. Down the block from the guardhouse, a school bus is unloading kids carrying lunch boxes with pictures of Michael Jackson on them. Inside

the USAMRIID building, technicians wearing blue space suits attached to yellow air hoses are working with the most lethal organisms known, exotic killers like botulism, anthrax, Rift Valley fever, dengue fever, Lassa and Korean hemorrhagic fevers, and rickettsial diseases. These are P-4 labs, held to the most stringent safety requirements there are. America has only three P-4 labs—the two at Fort Detrick and one at the federal Center for Disease Control in Atlanta.

Fort Detrick was the headquarters of America's biological warfare program from 1942 until 1969, when President Nixon issued an executive order unilaterally stopping the researching and stockpiling of biological weapons. During those years, there were three deaths and 423 cases of infection. Building 470 has been closed for 14 years due to anthrax contamination. Anthrax, an infectious disease carried by domestic animals like sheep and cattle, is usually fatal to humans. No one has figured out how to destroy anthrax spores, so it is unlikely Building 470 will ever be decontaminated.

From 1969 through the '70s, most of the research that went on at Fort Detrick was conducted by the National Cancer Institute. In 1979, the military recognized both the promise and the threat posed by biotechnology and reopened the laboratories. The safety conditions seem much better now than they were in the old days. The only illnesses so far have been from staphylococcal virus—the bug that causes food poisoning—which infected 15 people, and from Rocky Mountain spotted fever, which infected six. In both instances, prompt diagnosis and treatment prevented serious illnesses.

"None of the work we are doing here is aimed at developing an offensive biological weapons capability," says Dr. William Beisel, the overseer of the $30 million Defense Department biological research program. A gentle, 60-year-old internist, Beisel has the patience to describe the technical complexities of recombinant DNA to a layman. "The Defense Department is not developing an offensive biological warfare capability, is not doing research to create new toxins or make existing diseases more toxic. We are not working on dissemination systems, nor are we making poisons in quantities large enough to use as weapons. All the work we are doing is defensive, aimed at protecting troops against a CBW attack.

"It all comes down to intent, and I'd like to tell you a little parable to illustrate that," Beisel continues. "DNA is like a gold nugget; it has tremendous value. One man finds the nugget and says, 'I've really got something wonderful in my hands. I'm going to build a library and buy a lot of books that will be a living memorial.' Another guy finds the gold and says, 'Boy, with this I can purchase a lot of arms and ammunition and we can go out and get control.'

"With the same technology plus intent, you can do great good or great harm. We're the good guys; we're wearing the white hats. We're physicians using our gold nugget to create new things in medicine. It's the Russians who may be using the nugget for evil."

BEYOND "GOOD GUYS" AND "BAD GUYS"

But Beisel's good-vs.-evil formulation is far too simple—as the doctor would have learned if he'd watched a recent KRON-TV news series on biological warfare. KRON did its best to make Beisel and USAMRIID the bad guys.

Research contracts appeared on the screen, and narrator Paul Udell said, "These Department of Defense reports reveal tests in which the Army has been disseminating killer germs in the form of weapons. The research involved dispersing diseases in aerosol clouds and using mosquitoes as carriers."

The difference between what USAMRIID says it is doing, and what KRON accused it of, illustrates how razor-thin is the distance between offensive and defensive research.

"Disseminating killer germs in the form of weapons"? USAMRIID's aero-biological division sprays viruses at animals locked in a chamber, usually rhesus monkeys, to test whether the bugs are contagious when airborne. The tests are run to see if troops could be contaminated by an airborne attack, and to build vaccines against the disease.

"Using mosquitoes as carriers"? The Army says it is testing mosquitoes and sand flies to see if they transmit newly discovered diseases like Lassa and Rift Valley fevers. Since it was discovered that malaria and yellow fever are transmitted by mosquitoes, it has been standard medical procedure to run tests on mosquitoes to see which breeds might feed on a sick animal and transmit disease.

But whatever the intent of these experiments, there's no doubt that the knowledge gained from them could be used to make offensive weapons. "In order to create a vaccine, you have to be very familiar with a toxic organism," says biologist Robert Sinsheimer, the chancellor at UC-Santa Cruz. "That is knowledge you would want to have if your objective were to build offensive weapons." Are we now using that knowledge to make weapons? Not that we know of. The problem is, just by doing this kind of work, the military creates the suspicion that sooner or later, in some secret place, it will use what it has learned to make bioengineered offensive weapons.

Adding to these suspicions is the fact that, while none of the medical research programs appear to be classified, information about the equipment the military is developing to protect soldiers against CBW is kept secret. What kind of clothing protects best against CBW agents, how well a gas mask works, what chemicals or organisms foul a filter, how soldiers and vehicles will be decontaminated, how CBW detectors work in the field—all this is classified information.

"There is no reason to classify any of this," says Matthew Meselson, a Harvard molecular biologist who, in addition to being one of the scientists who developed recombinant DNA, is an internationally recognized CBW expert and the chief architect of the 1972 Biological Weapons Convention. "It's only through force of habit that they're doing it. With the exception of intelligence work, we've got to be able to say, 'Absolutely everything we're doing, we're doing out in the open.' We must get rid of secrecy. Secrecy is the real threat."

CAN WE TRUST THE MILITARY?

Dr. Beisel's parable about the gold nugget can be reduced to two words: Trust us. Without effective oversight of CBW research (see box, page 35), we don't have any other choice. But the Army's history of secret tests in this area does not inspire confidence.

In October 1950, the Army blanketed the San Francisco area with a microorganism called *Serratia marcescens*. The Army was afraid the the Russians might secretly attack us with lethal bacteria; they wanted to find how and where the bugs would drift into the lungs of unsuspecting citizens. The Army considered the microorganism harmless, but later tests implicated it in several illnesses and at least one death—that of Edward J. Nevin, a patient at Stanford Hospital. Nevin's grandson is a lawyer in San Francisco. He and 67 of Nevin's survivors sued the government for $11 million. Though doctors testified at the trial that *Serratia marcescens* can be harmful or fatal to elderly people, newborn babies and people with lung and heart diseases, a federal judge in San Francisco ruled against the Nevin family and the Supreme Court refused to hear the case.

For three days in June 1966, Army personnel carried light bulbs filled with *Bacillus subtilis* into New York City and shattered them on ventilator grills in sidewalks above subway stations at the height of rush hour. Again, the Army claims the bacteria are benign, but doctors have testified that the bugs are dangerous to babies, the elderly, sick people and people with allergies. According to the Army, the test found that "a large portion of the working population of downtown New York City would be exposed to disease if one or more pathogenic agents were disseminated covertly in several subway lines at a period of peak traffic." One has to wonder if such an obvious conclusion was worth the risk it posed to unsuspecting New Yorkers.

"How do we know they won't do it again?" asks Dr. Jonathan King, an internationally known microbiologist at the Massachusetts Institute of Technology. "We don't."

The possibility of secret testing is not the only reason critics feel the military—as opposed to, say, the National Institutes of Health—might not be the most appropriate agency to fund biotech research. Suppose, for example, the Army successfully develops new vaccines for shigellosis and Rift Valley fever, diseases that have paralyzed Third World countries. Will the vaccines be made available? Or might they be withheld and, in effect, used as a weapon?

Absolutely not, Beisel says. "We'd never withhold a vaccine. We're working to improve the health of mankind. When we find out ways to cure or prevent these diseases, that knowledge is immediately applicable to everybody."

There are precedents—the vaccine against yellow fever developed by Army doctor Walter Reed, for one—that support Beisel's claim. But there is evidence that points the other way, too.

"You can militarize medical technology by withholding it," Jonathan King says. "There's a history of this. The U.S. has prevented medical supplies of any sort from going to Cuba for 20 years.

And even if there is no deliberate attempt to withhold new discoveries, the military's priorities are open to question. Even Navy Biosciences Laboratory director David Kingsbury makes this point. As Kingsbury describes it, another agency other than the Army would be better suited to developing a vaccine for San Joaquin valley fever.

"The Army isn't interested in valley fever," Kingsbury says. "They have a funny attitude. They admit they have problems with it. All their desert training is in the Southwest. They've had blacks come down with it, had a number of very serious cases. But it turns out in their exercises, they killed more guys by accidentally running over them with tanks than they did with infectious diseases. Their attitude is, 'We should have something to protect ourselves from tanks, the hell with infectious dis-

eases.' Honestly, that's what they said. They didn't want to get involved."

IS THE BEST DEFENSE NO DEFENSE?

There is an even more basic question when it comes to CBW research: Can the genetically engineered medical defenses the military is developing actually protect against an attack with chemical or biological weapons? The answer depends on whom you talk to.

"All viruses have to use the internal machinery of the body to reproduce themselves," Beisel says. "If you can develop an antiviral drug that will prevent that machinery from being used by a virus, it would make no difference which virus is coming at us. It's like aspirin being effective against a variety of illnesses. If we have an effective treatment for a class of diseases, we can rest a little easier that some new variant will be handled by the body."

Naval Biosciences Laboratory director Kingsbury, on the other hand, is less quick to reassure. "There's no umbrella," he says. "It's easy to have anybody with the capacity to do this one step ahead of you. Some of the intelligence I've seen is scary."

One step ahead. Here, then, we come back to the most basic question of all. Are the military's CBW researchers *creating* an arms race in chemical and biological weapons?

Scientists think of science as a natural force, like gravity. You can't stop it; you are foolish to try. The scientist lives to make discoveries; how these discoveries are used is society's concern, not his. "Most scientists are motivated just to work," say Harvard biologist Meselson. "They don't think about the consequences of what they're doing."

But some scientists are abandoning this traditional position of amoral neutrality to question the Defense Department's use of biotechnology in the CBW defense program. They point out that the military isn't just in the business of making vaccines to protect soldiers. It is also in the business of learning to kill people as quickly and efficiently as possible. Biotechnology is seductive because it offers new and better ways to do that.

"I would prefer the military stayed out of this area," Chancellor Sinsheimer says. "The more the military learns about it, the more it may increase their temptation to use it for other than defense purposes. If they got credible or quasi-credible evidence that some other country was looking into an offensive CBW capacity, they would be compelled to do the same. Or even if they got to the point where knowledge they had gained suggested to them that they really could do something, then they might think, 'Aha, if we can do it, they can do it. We'd better move forward' That's the same argument that led to the atomic bomb.

"You could also get into the 'modified' game," Sinsheimer continues. "You come up with a vaccine for anthrax and then begin to worry, 'Could they produce a modified form of anthrax that might not be susceptible to our vaccine? Then you're off in an arms race."

"This innocent-sounding activity simply cannot be seen as innocent," adds MIT professor King. "If you did have ideas of secretly making offensive CB weapons, one of the first things you would do is generate the organisms and learn how to protect your own people. They may say they're only making a vaccine, that it's only for defensive purposes, but the moment you create a vaccine, you've generated an offensive capacity. You can protect your troops against CB weapons that in the old days would attack both sides."

USAMRIID's Beisel, in his patient, methodical way, takes pains to dispel the idea that changing our CBW research program from defensive to offensive would be as swift as an intercepted pass in football. "The techniques and principles may be the same, but it wouldn't be a leadpipe cinch," Beisel says. "It's a common misconception that creating a weapons system is easy. We had the whole post here at Fort Detrick staffed with hundreds of scientists and a budget that would make ours look small trying to produce biological weapons. They never produced a weapon that was accepted for tactical use by a line general."

That, of course, was years ago, before bioengineering came along. Generals might be more interested in nerve gas if they can protect their troops, more willing to release bugs if their forces can be inoculated.

Scientists are also concerned about the international ramifications of the CBW medical defense program. The 1972 Biological Warfare Convention "isn't worth a whole helluva lot," in the words of Navy Capt. Jim Vorosmarti, assistant for medical and life sciences R&D, because there is no procedure for on-site inspection. Sweden has proposed that the convention be reconvened to put in an inspection clause. But if the 100 or so nations that signed the convention get together and don't make any more progress than the negotiations to strengthen the 1925 Geneva Protocol, no good will come of it.

For the past 15 years, a Conference of Disarmament has been meeting in Geneva to strengthen the 1925 treaty by adding clauses that prohibit the stockpiling of chemcial weapons and permit on-site inspection. The talks are as static as an oil painting. Typical of the way things go is U.S. Ambassador Louis G. Fields' reaction to a recent Soviet proposal for on-site inspection. "It takes a step forward," Fields said, "but we're not sure of the size of that step."

The Defense Department's CBW research program, its critics say, can only make negotiations on both treaties more difficult because it heightens the paranoia that defines relations between the superpowers.

"In terms of defending the population, the first step should be trying to stengthen the treaties," says Jonathan King. "That doesn't mean doing defensive CBW work. That means not doing it. It's destabilizing. Once you've started, the other side has to start, too. If the people at Fort Detrick were told that the Russkies were developing defenses against certain agents, it would make them very nervous. Imagine going to a CBW facility in the Soviet Union and having a lieutenant tell you that what they are doing is purely defensive. Try selling that back in San Jose.

"The individuals doing the work may be innocent, they may have the best interests of all at heart, but the work itself leads down the wrong road, the road to a CBW arms race," King concludes. "Besides, the decisions about how this technology is going to be used are not going to be made at the level of a Dr. Beisel. I distrust the decision-making at the higher level, at the (Defense Secretary Caspar) Weinberger level."

THE CHOICE IS OURS

Navy Capt. Jim Vorosmarti shares a cluttered, drab yellow office in the Pentagon with Tom Dashiell. Vorosmarti makes sure that the Navy isn't duplicating a study the Army has already completed. Dashiell is a staff specialist for chemical technology, doing things like conducting tests on gas masks. Mention criticism like King's and they bristle. They feel that the Defense Department gets criticized for using biotechnology simply because it is the Defense Department.

"That attitude is the same one the Pope had when Galileo was doing his experiments," Vorosmarti says of scientists like King. "I don't care if the guy is a great scientist or not. It's not an enlightened attitude. If the military hadn't developed the first jet aircraft, we wouldn't be flying across country in five hours. Where did the oil companies get the technology for offshore drilling? From the military. If the Department of Defense isn't doing everything to protect their troops, we're not fulfilling our mission."

"I can't believe that with the many military problems we have, that someone would say, 'DOD, you stay in the 1940s and let the rest of the world go on,'" Dashiell adds. "There's no need to restrain us from doing the best job we can. If we have to use the new technology to do it, we're going to."

"Trust us." "We're doing the best job we can." There is nothing insincere about these requests. But the doubts remain.

Suppose we had known 40 years ago what we know now about nuclear technology—about the unending flood of apocalyptic weaponry it would produce. Would we have accepted this kind of assurance and said, "Go ahead"? Or would we have done everything we could to stop nuclear weapons before they were ever developed?

"My hope is that although we use chemistry and physics, we won't use the life sciences for hostile purposes," says biologist Meselson. "That would be using life to undo life."

The choice is ours—but it may not be for long.●

THE WEST POINT CADET PRAYER

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. STRATTON. Mr. Speaker, I was delighted the other day when one of my constituents, Catherine W. Conley of Troy, N.Y., sent to me the text of the West Point Cadet Prayer as representing a genuinely nondenominational prayer.

This is indeed a beautiful prayer, and I believe it's simple yet eloquent meaning would be difficult indeed to challenge. A prayer such as this one is especially appropriate during these times of vigorous debate in Congress on the question of school prayer.

I, therefore, include the text of the West Point Cadet Prayer and commend it to my colleagues.

WEST POINT CADET PRAYER

O God, our Father, Thou Searcher of men's hearts, help us draw to Thee in sincerity and Truth. May our religion be filled with gladness and may our worship of Thee be natural.

Strengthen and increase our admiration for honest dealing and clear thinking, and suffer not our hatred of hypocrisy and pretense ever to diminish. Encourage us in our endeavor to live above the common level of

life. Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won. Endow us with the courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice and knows no fear where truth and right are in jeopardy. Guard us against flippancy and irreverence in the sacred things of life. Grant us new ties of friendship and new opportunities of service. Kindle our hearts in fellowship for those of cheerful countenance, and soften our hearts with sympathy for those who sorrow and suffer. May we find genuine pleasure in clean and wholesome mirth and feel inherent disgust for all coarse-minded humor. Help us in our work and in our play to keep ourselves physically strong, mentally awake, and morally straight, that we may better maintain the honor of the Corps untarnished and unsullied, and acquit ourselves like men in our effort to realize the ideals of West Point in doing our duty to Thee and our country, all of which we ask in the name of the Great Friend and Master of Life.

Amen.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. WRIGHT), at the close of business on June 6 until 3 p.m. June 7, on account of travel.

Mr. LELAND (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STRATTON, for 5 minutes, today.

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SMITH, of Iowa, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. THOMAS of California, to extend his remarks just prior to Committee's adoption of Anderson committee amendment in the Committee of the Whole today on H.R. 5504.

Mr. BATEMAN, immediately prior to adoption of committee amendments to H.R. 5504, in the Committee of the Whole, today.

Mr. MARRIOTT, preceding the vote on the MCNULTY amendment to H.R. 5504, in the Committee of the Whole, today.

Mr. ROBERTS, prior to the vote on the McNulty amendment to H.R. 5504 in the Committee of the Whole, today.

Mr. VOLKMER, in support of section 131a of the bill, H.R. 5504, today.

Mr. HUGHES, immediately preceding the Anderson amendment to H.R. in the Committee of the Whole today.

Mr. PEASE, during general debate on H.R. 5504 in the Committee of the Whole today.

Mr. SIKORSKI, prior to the vote on the Howard amendment, on H.R. 5504, in the Committee of the Whole today.

Mr. PORTER, to insert extraneous material immediately following his remarks on Howard amendment to H.R. 5504 in the Committee of the Whole today.

Mr. MCEWEN, to revise and extend his remarks in support of H.R. 5504 just prior to the vote on the bill in the House today.

Mr. SEIBERLING, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,940.

(The following Members (at the request of Mr. FRANKLIN), and to include extraneous matter:)

Mr. MCGRATH.
Mr. FIELDS in three instances.
Mr. DANIEL B. CRANE in two instances.
Mr. BOEHLERT in two instances.
Mr. EMERSON.
Mr. SHUMWAY.
Mr. BADHAM.
Mr. GINGRICH.
Mr. WOLF.
Mr. DANNEMEYER.
Mr. BETHUNE.
Mr. CONTE in two instances.
Mr. GEKAS.
Mr. BEREUTER.
Mr. LAGOMARSINO.
Mr. WORTLEY in two instances.
Mr. GREEN.
Mr. SUNDQUIST.
Mr. YOUNG of Florida.
Mr. GILMAN in two instances.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. SAM B. HALL, JR.
Ms. MIKULSKI in three instances.
Mr. LELAND in two instances.
Mr. COELHO in two instances.
Ms. OAKAR in two instances.
Mr. YATRON in three instances.
Mr. WISE.
Mrs. KENNELLY.
Mr. GORE.
Mr. ACKERMAN.
Mr. FRANK in two instances.
Mr. MORRISON of Connecticut.
Mr. GARCIA.
Mrs. COLLINS.
Mr. BRITT.
Mr. KOLTER.
Mr. RAHALL.
Mr. FUQUA in five instances.
Mr. MCCLOSKEY.
Mr. LANTOS.
Mr. BORSKI.
Mr. WHEAT.
Mrs. HALL of Indiana.
Mr. WAXMAN.
Mr. FLORIO.
Mrs. BURTON of California.
Mr. EDGAR.
Mr. FEIGHAN.
Mr. ALBOSTA.
Mr. OTTINGER.
Mr. MARKEY.
Mr. LEVINE of California.
Mr. SWIFT.
Mr. SHANNON.
Mr. LIPINSKI.
Mr. WEISS in two instances.
Mr. OBERSTAR.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, June 11, 1984, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1983, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 16, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85-804, enclosed is the calendar year 1983 report on *Extraordinary Contractual Actions to Facilitate the National Defense.*

Section A, Department of Defense Summary, shows that 58 contractual actions were approved and that 14 were disapproved. Included in the number approved are 53 actions for which a potential Government liability cannot be estimated.

Sections B and D present those actions which are submitted by the Army and Air Force with an estimated, or potential cost of $50,000 or more. The Navy, Defense Logistics Agency, and Defense Nuclear Agency, sections C, E, and F respectively, reported no actions above this threshold. A list of contingent liability claims is also included. Each section contains a summary table and an abstract of the decision and findings for each qualifying action.

Sincerely,

D. O. COOKE,
Deputy Assistant Secretary of Defense.

CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Department and type or action	Actions approved			Actions denied	
	Number	Amount requested	Approved	Number	Amount
Department of Defense, total	58	$1,880,176	$1,858,217	14	$3,792,136
Amendments without consideration	1	1,821,258	1,799,299	11	2,737,545
Correction of mistakes	1	10,125	10,125	1	212,688
Formalization of informal commitments	2	48,793	48,793	3	841,903
Contingent liabilities	53	0	0	0	0
Advance payments	1	0	0	0	0
Army, total	1	0	0	6	2,849,284
Amendments without consideration	0	0	0	4	2,064,424
Formalization of informal commitments	0	0	0	2	784,860
Advance payments [1]	1	0	0	0	0
Navy, total	54	58,113	58,113	4	401,599
Amendments without consideration	0	0	0	3	344,556
Correction of mistakes	1	10,125	10,125	0	0
Formalization of informal commitments	1	47,988	47,988	1	57,043
Contingent liabilities	52	0	0	0	0
Air Force, total	2	1,821,258	1,799,299	5	541,253
Amendments without consideration	1	1,821,258	1,799,299	4	328,565
Correction of mistakes	0	0	0	1	212,688
Contingent liabilities	1	0	0	0	0
DLA, total:					
Formalization of informal commitments	1	805	805	0	0
DNA, total	0	0	0	0	0

[1] This is an action not involving specific dollar cost. The decision authorized advance progress payments by the prime contractor to the subcontractor.

SECTION B—U.S. ARMY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
U.S. ARMY SUMMARY		
Advance payment: Goldsworthy Engineering, Inc.		

Contractor: Goldsworthy Engineering, Inc.

Type of action: Advance Payment.

Actual or estimated potential cost: None.

Service and activity: U.S. Army Materiel Development and Readiness Command (DARCOM).

Description of property or service: Fiberglass Wrap Around Machine.

Background: Goldsworthy Engineering, Inc., was a subcontractor to Mason Chamberlain, Inc., the operating contractor under contract number DAA09-76C-4014. This contract was let to Mason to supply fiberglass wrap around machines for the Mississippi Army Ammunition Plant.

Goldsworthy appeared before the Board on February 4, 1983 to request extraordinary contractual relief under the provisions of PL 85-804.

Upon review the Board concluded that further consideration of the request was not appropriate at that time.

Justification: The Board believed that the U.S. Army Materiel and Readiness Command (DARCOM) should further examine the feasibility of alternate methods of obtaining the completion of the machines. The request should not be resubmitted to the Board unless extraordinary contractual relief is clearly the only acceptable solution available in the interest of national defense.

Decision: Consistent with this approach, the Board approved the request to authorize advance progress payments under the subcontract by the prime contractor, and found that this action facilitated the national defense.

SECTION C—U.S. NAVY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
U.S. NAVY SUMMARY		
Contingent liabilities: 52 contracts		

Contingent liabilities: Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 52 contracts (the potential cost of the liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Contracts*
General Dynamics Corp.	26
General Electric	6
Hercules, Inc	1
Honeywell, Inc	2
Hughes Aircraft Co.	3
Lockheed Missiles & Space Co, Inc.	1
Newport News Shipbuilding Drydock Co	2
Raytheon Co	2
Rockwell International Co	5
The Sawyer Corp	2
Vitro Corp.	2
Total	52

SECTION D—U.S.AIR FORCE SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
U.S. AIR FORCE SUMMARY		
Amendment without consideration: Wayne H. Coloney Co., Inc.	$1,821,258	$1,799,299
Contingent liabilities: 1 contract		

Contractor: Wayne H. Coloney Company, Inc.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $1,799,299.

Service and activity: U.S. Air Force, Headquarters Aeronautical Systems Division.

Description of property or service: Container Assemblies to store 30 mm Ammunition for the GAU-8 Gun of the A-10 Aircraft.

Background: The Wayne H. Coloney Company, Inc. (Coloney) is a small business concern whose work includes the design and fabrication of specialized machinery and ancillary products, including the development of ammunition container assemblies. The Air Force awarded Coloney two contracts, F3365781-C-0319 issued in April 1981, and F33657-82C-0201 issued in June 1982, for the production of container assemblies used to store 30 mm Ammunition for the GAU-8 on the A-10 Aircraft. Coloney has provided these units since 1977 although actual production was largely subcontracted to Lawson Industries, Inc. With the exception of Coloney and Lawson no other container suppliers have successfully completed first article qualifications.

In 1980 Lawson received an Air Force contract for 19,500 container assemblies with an option for an additional 13,500 units at a unit price of $226.37. Coloney submitted an unsolicited proposal for the 13,500 assemblies at a unit price of $230 and was subsequently awarded contract 0319 in April 1981 for 12,165 units. Lawson protested to the General Accounting Office, arguing that the option price was a part of the original competitive evaluation. The Comptroller General ruled in favor of Coloney, but the contract award was delayed from June until October 1981. Coloney received the award based on the best and final offers at a unit price of $214.14, submitted in September 1981.

In the request for relief, Coloney insisted that during the four month delay in contract award, increased steel prices and vendor delivery schedule difficulties contributed to the company's loss position under 0319.

Coloney submitted a bid on an Air Force proposal in April 1982 for 23,500 container assemblies: Coloney was the low bidder and was awarded the contract in June 1982 at a unit price of $212.99. Coloney was unable to secure sufficient credit to continue operations and on August 13, 1982 filed for reorganization under Chapter 11 of the Bankruptcy Act. As of August 31, 1982 Coloney had delivered 8,942 units under contract 0319 and made no deliveries under 0201.

On November 18, 1982, Coloney and Davey Compressor Company, reached an agreement for Davey to purchase, at their

option, all of the issued and authorized shares of Coloney in exchange for various payments and assumptions of existing indebtedness.

On September 1, 1982, Coloney formally requested relief under the provisions of Public Law 85-804 in the amount of $1,821,257.90, an upward price adjustment of $50.45 per unit retroactive to include all delivered units. The request for relief is premised upon the proposition that its continued operation is essential to the national defense.

Justification: The Air Force Deputy Chief of Staff for Research Development and Acquisition and the Deputy Chief of Staff for Logistics and Engineering have recommended to the Board that Coloney's request be given favorable consideration. The recommendation is primarily based on the avoidance of an estimated $8.6 million in reprocurement costs, if Coloney remains a viable government contractor. These reprocurement costs include those costs associated with twelve Coloney contracts now pending and $3.2 million in unliquidated progress payments which would be unreasonable in the event of the company's demise.

Decision: The Board believes that the circumstances warrant a finding that the national defense will be facilitated by an investment of the size requested for the purpose of avoiding the alternate reprocurement costs of $8.6 million and unestimable costs of other disruptions. To accomplish the interest of the Air Force, and to provide for Coloney's various creditors, emergence of a new enterprise infused with a contribution of capital and management from the Davey Compressor Company has been prepared. Based on the November 18, 1982 purchase option agreement between Coloney and Davey Compressor, financial data provided by the chairman of Davey Corporation, and on the basis of all available facts, the Board is confident that the proposed acquisition plus the relief requested, will permit Coloney to be productive and meet its contractual commitments to the Air Force.

The Board has proposed and Coloney and Davey have accepted, the following major conditions.

1. Relief granted by the Air Force shall be in the nature of an amendment without consideration to increase the unit price under the contracts by $50.45 applicable to all units whether delivered or yet to be delivered.

2. A sum reflecting the difference between the unit price, as modified, and the original contract unit price on completed units accepted by the Air Force will be payable immediately upon execution.

3. All further payments shall be made consistent with the terms of the Defense Acquisition Regulations.

4. A plan of reorganization submitted for the Wayne H. Coloney Company, Inc. pursuant to Chapter 11 of the Bankruptcy Law shall provide for the performance to completion of contracts with the Air Force.

5. All of the issued and authorized shares of the Wayne H. Coloney Company, Inc. shall be purchased by the Davey Compressor Company, according to the terms of the agreement of November 18, 1982.

6. The Wayne H. Coloney Co. as principal and the Davey Compressor Co. as a surety, shall execute and submit a performance bond with a penal sum of $8.6 million.

In the interest of restoring performance under all current contracts with Coloney and avoiding reprocurement from alternate sources, the Board has concluded this relief in the amount requested, is in the best interest of the Air Force and will facilitate the national defense.

Contingent liabilities: Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in one contract (the potential cost of the liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Contracts*
Boeing Aerospace Co	1

SECTION E—DEFENSE LOGISTICS AGENCY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
DEFENSE LOGISTICS AGENCY SUMMARY		
The report of extraordinary contractual actions from the Defense Logistics Agency indicated that no actions of $50,000 or more were approved.		

SECTION F—DEFENSE NUCLEAR AGENCY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
DEFENSE NUCLEAR AGENCY SUMMARY		
No extraordinary contractual actions were reported for 1983 by the Defense Nuclear Agency.		

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3511. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period July 1, 1984 to August 31, 1984, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

3512. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report on the bank supervisory systems in the Group of Ten nations plus Switzerland, pursuant to Public Law 98-181, section 913(1); to the Committee on Banking, Finance and Urban Affairs.

3513. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 5-640, entitled, "Transfer of Jurisdiction of Parts of Whitehaven Street, NW., and Part of Reservation 357 Resolution of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3514. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 5-673, entitled, "Transfer of Jurisdiction Over the Inner Roadways of Logan Circle for Park Purposes Resolution of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3515. A letter from the Secretary of Education, transmitting a copy of the proposed final regulations on the business and international education program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3516. A letter from the Administrator, Office of Federal Procurement Policy, OMB, transmitting a printed copy of the report on the procurement actions of the Department of Defense during the 1-week period ending September 30, 1983, pursuant to Public Law 98-191, section 11(a)(1); jointly, to the Committees on Armed Services and Government Operations.

3517. A letter from the Administrator, Office of Federal Procurement Policy, OMB, transmitting a report on the spare parts procurement practices of the Department of Defense, pursuant to Public Law 98-191, section 10(a); Public Law 98-212, section 799F(a); jointly, to the Committees on Armed Services and Government Operations.

3518. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled, "States Have Made Few Changes in Implementing the Alcohol, Drug Abuse, and Mental Health Services Block Grant," (GAO/HRD-84-52, June 6, 1984); jointly, to the Committees on Government Operations and Energy and Commerce.

3519. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled, "Examination of the Veterans Canteen Service's Financial Statements for the Year Ended September 30, 1983," (GAO/AFMD-84-46, May 30, 1984); jointly, to the Committees on Government Operations and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 5688. A bill to amend title 38, United States Code, to provide a cost-of-living increase for fiscal year 1985 in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation paid to survivors of such veterans, and for other purposes (Rept. No. 98-828). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 5490. A bill to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimi-

nation Act of 1975, and title VI of the Civil Rights Act of 1964 (Rept. No. 98-829, Pt. I). And ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 5490. A bill to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 (Rept. No. 98-829, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROYBAL: Committee on Appropriations. H.R. 5798. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-830). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL:

H.R. 5798. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. ALBOSTA (for himself, Mr. DYMALLY, Mr. DANIEL B. CRANE, Mr. GILMAN, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. BONIOR of Michigan, Mr. BURTON of Indiana, Mr. DASCHLE, Mr. DE LUGO, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. GRAMM, Ms. KAPTUR, Mr. LEATH of Texas, Mr. MCEWEN, Mr. PENNY, Mr. RAHALL, Mr. ROWLAND, Mr. SHELBY, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SOLOMON, Mr. STAGGERS, Mr. SUNDQUIST, and Mr. WYLIE):

H.R. 5799. A bill to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.R. 5800. A bill to provide for the establishment of a Caribbean Trade Institute/International Trade Center in Harlem, New York City; to the Committee on Ways and Means.

By Mr. ALBOSTA:

H.R. 5801. A bill to develop a national ethanol energy policy and to coordinate efforts to implement such policy; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. COLEMAN of Missouri:

H.R. 5802. A bill to improve mathematics, science, and technology education in secondary schools; to the Committee on Education and Labor.

By Mr. PHILIP M. CRANE:

H.R. 5803. A bill to amend the Internal Revenue Code of 1954 to provide that under certain circumstances married individuals shall be taxed as though they file a single joint return, although one or both spouses file a separate return; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 5804. A bill to promote dairy farm efficiency by restructuring the milk marketing order and subsidy system; to the Committee on Agriculture.

By Mr. MAZZOLI (for himself and Mr. WHITEHURST):

H.R. 5805. A bill to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees to provide essential benefits to certain former spouses not eligible for any benefits under that act, and for other purposes; to the Permanent Select Committee on Intelligence.

By Mr. MOLLOHAN:

H.R. 5806. A bill to provide a Congressional Medal of Honor to Harrison Summers; to the Committee on Armed Services.

By Mr. MORRISON of Washington (for himself, Mr. FOLEY, Mr. PRITCHARD, Mr. CHANDLER, Mr. DICKS, Mr. LOWRY of Washington, Mr. SWIFT, and Mr. BONKER):

H.R. 5807. A bill to amend the Internal Revenue Code of 1954 to clarify the treatment of travel expenses in the case of construction workers; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 5808. A bill to amend the Fair Labor Standards Act to increase the amount required to be paid for overtime work and to require employees to consent in writing to working more than 40 hours per week; to the Committee on Education and Labor.

By Mr. WATKINS (for himself, Mr. BROYHILL, and Mr. BRITT):

H.R. 5809. A bill regarding the convening of a White House Conference on International Trade; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. WAXMAN (for himself, Mr. MICA, Mr. COELHO, Mr. BROWN of Colorado, and Mr. MILLER of California):

H.R. 5810. A bill to amend the Public Health Service Act to provide for the compensation of children and others who have sustained vaccine-related injury, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. GILMAN (for himself and Mr. RANGEL):

H.J. Res. 588. Joint resolution to designate the week of October 7, 1984, through October 13, 1984, as "National Drug Enforcement Officers Week"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHENEY:

H.R. 5811. A bill for the relief of Lawrence K. Lunt; to the Committee on the Judiciary.

By Mr. WON PAT:

H.R. 5812. A bill for the relief of Olivia Feliciano Cortes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 425: Mr. CLAY, Mr. STOKES, Mr. BERMAN, Mr. WEAVER, Mr. OWENS, Ms. KAPTUR, Mrs. BOXER, Mrs. BURTON of California, Mr. FRANK, Mr. MARKEY, Mr. SEIBERLING, Mr. CONYERS, and Mr. SHANNON.

H.R. 2568: Mr. EDGAR.

H.R. 2837: Mr. BRITT.

H.R. 3105: Mr. RINALDO.

H.R. 3271: Mr. OWENS, Mr. MARKEY, and Mr. LUKEN.

H.R. 3361: Mr. OXLEY.

H.R. 3487: Mr. BETHUNE, Mr. CRAIG, Mr. DANIEL B. CRANE, Mr. CROCKETT, Mr. DURBIN, Mr. EDGAR, Mr. GEKAS, Mr. SAM B. HALL, JR., Mr. HARRISON, Mr. KOGOVSEK, Mr. KOLTER, Mr. MARRIOTT, Mr. MURPHY, Mr. MURTHA, Mr. PRICE, Mr. ROGERS, Mr. STENHOLM, and Mr. TALLON.

H.R. 3750: Mr. MCCURDY, Mr. MACKAY, and Mr. SIKORSKI.

H.R. 4126: Mr. MARTINEZ, Mrs. COLLINS, Mr. REID, and Mr. RICHARDSON.

H.R. 4500: Mr. RINALDO.

H.R. 4843: Mr. LONG of Maryland.

H.R. 4870: Mr. EVANS of Illinois, Mr. ROYBAL, Mr. OWENS, Mr. ROE, Mr. BONIOR of Michigan, Mr. MINISH, Mrs. SCHROEDER, Mr. WEAVER, Mr. HAWKINS, Mr. HAYES, Mr. GEJDENSON, Mr. LOWRY of Washington, Mr. PRICE, Mr. BIAGGI, and Mr. ADDABBO.

H.R. 4901: Mr. HAMILTON.

H.R. 5015: Mr. EMERSON.

H.R. 5024: Mr. SKELTON, Mr. ALEXANDER, Mr. BEVILL, Mr. DYSON, Mr. WISE, Mr. STANGELAND, Mr. FUQUA, Mr. LUNDINE, Mr. MCNULTY, Mr. OBERSTAR, Mr. EVANS of Illinois, Mr. ECKART, Mr. WILSON, Mr. FLIPPO, Mrs. BYRON, and Mr. RICHARDSON.

H.R. 5173: Mr. KOLTER, Ms. FERRARO, Mr. LUKEN, Mr. FISH, Mr. RINALDO, and Mr. LANTOS.

H.R. 5195: Mr. ACKERMAN and Mr. HAYES.

H.R. 5197: Mr. MARKEY, Mr. WEISS, and Mr. RICHARDSON.

H.R. 5223: Mr. JONES of Tennessee.

H.R. 5305: Mr. NEAL.

H.R. 5358: Mr. JEFFORDS.

H.R. 5475: Mr. BRYANT.

H.R. 5490: Mr. WISE.

H.R. 5545: Ms. MIKULSKI and Mr. WEISS.

H.R. 5577: Mr. MINETA.

H.R. 5591: Mr. FISH.

H.R. 5621: Mrs. BOXER, Mr. KOLTER, Mr. BATES, Mr. WOLPE, Mr. MARTINEZ, Mr. WEISS, Mr. VENTO, Mr. BONKER, and Mr. MINETA.

H.R. 5627: Mr. ROE and Mr. WON PAT.

H.R. 5721: Mr. BARNARD, Mr. ROBERTS, Mr. GEKAS, Mr. PORTER, and Mr. ZSCHAU.

H.R. 5724: Mr. MOORHEAD.

H.R. 5730: Mr. WON PAT.

H.R. 5749: Mrs. BOGGS, Mr. DWYER of New Jersey, and Mr. WON PAT.

H.R. 5754: Mr. DUNCAN and Mr. MURPHY.

H.R. 5791: Mr. EMERSON.

H.J. Res. 418: Mr. PHILIP M. CRANE.

H.J. Res. 456: Mr. MONTGOMERY and Mr. SHUMWAY.

H.J. Res. 491: Mrs. BOXER, Mr. EMERSON, Mr. ERDREICH, Mrs. HALL of Indiana, and Mr. VOLKMER.

H.J. Res. 504: Mr. LONG of Louisiana.

H.J. Res. 512: Mr. KASICH, Mr. CLINGER, Mr. FISH, Mr. CLAY, Mr. WHEAT, Mr. SUNIA, Mr. GEKAS, Mrs. HALL of Indiana, and Mr. DYMALLY.

H.J. Res. 543: Mr. RITTER, Mr. CARPER, Mr. SAVAGE, Mr. LANTOS, Mr. DINGELL, Mr. MINETA, Mr. SHAW, and Mr. SKELTON.

H.J. Res. 544: Mr. CRAIG, Mr. CLINGER, Mr. VENTO, Mr. WILSON, Mr. ROYBAL, Mr. SAVAGE, Mr. MRAZEK, Mr. HERTEL of Michigan, Mr. BEREUTER, Mr. COUGHLIN, Mr. SAWYER, Mr. CONABLE, Mr. GRADISON, Mr. MCKINNEY, Mr. PETRI, Mr. SHAW, Mr. CHENEY, Mr. LIVINGSTON, Mr. NIELSON of

Utah, Mr. GILMAN, Mr. SOLOMON, Mr. MCCANDLESS, Mr. EVANS of Iowa, Mr. BROOMFIELD, Mr. CONTE, Mr. EDWARDS of Alabama, Mr. BETHUNE, Mr. MCCURDY, Mr. BLILEY, Mr. PARRIS, Mr. LOEFFLER, Mr. BARTLETT, Ms. FIEDLER, Mr. WHITTAKER, Mr. ROBERTS, Mr. WEBER, Mr. SPENCE, Mr. MOORHEAD, and Mr. DREIER of California.

H.J. Res. 563: Mr. SYNAR and Mr. KASTENMEIER.

H. Con. Res. 270: Mr. VANDERGRIFF and Mr. RINALDO.

H. Con. Res. 312: Mr. SLATTERY, Mr. CRAIG, Mr. FLORIO, Mr. CHENEY, and Mr. ROBERTS.

H. Con. Res. 315: Mr. AKAKA, Mr. ANDREWS of Texas, Mr. BONER of Tennessee, Mr. BRYANT, Mr. CORRADA, Mr. DASCHLE, Mr. DEWINE, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. ENGLISH, Mr. GILMAN, Mr. HANCE, Mr. HARRISON, Mr. HEFTEL of Hawaii, Mr. HIGHTOWER, Mr. HUGHES, Ms. KAPTUR, Mr. KEMP, Mr. KOGOVSEK, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LOWERY of California, Mr. MARRIOTT, Mr. MCGRATH, Mr. MCKERNAN, Mr. MOAKLEY, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PATTERSON, Mr. PRITCHARD, Mr. REID, Mr. RITTER, Mr. SAWYER, Mr. SISISKY, Mr. SMITH of Florida, Mr. STENHOM, Mr. TRAXLER, Mr. VANDERGRIFF, Mr. WAXMAN, Mr. WEISS, Mr. WHITEHURST, Mr. WOLF, Mr. WON PAT, Mr. WYDEN, and Mr. YATRON.

H. Res. 430: Mr. BRYANT.

H. Res. 518: Mr. EMERSON, Mr. DEWINE, and Mr. LUNGREN.