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House of Representatives

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, O God, for our traditions, those guidelines of life that help direct our way and remind us of the paths of those who have gone before. We are grateful for the rich history of our Nation and the ideals of our Founders. We pray, gracious God, that we are worthy of the responsibilities we have in our day and faithful to our traditions that justice will flow down as waters and righteousness like an ever-flowing stream. This is our earnest prayer. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentlewoman from New Jersey [Mrs. ROUKEMA] will lead the membership in the Pledge of Allegiance.

Mrs. ROUKEMA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be fifteen 1-minutes on each side.

DEMOCRATS NOT COMMITTED TO SAVING MEDICARE

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

Mr. BALLENGER. Mr. Speaker, it occurs to me that liberal Democrats work feverishly at nothing. At times they seem all bent out of shape and exercised beyond belief. It is truly a spectacle to behold. They cry and whine, and whine and cry, but they have proposed not one, not even one, idea to preserve Medicare or Medicaid.

To illustrate my point, this weekend, liberal Democrats will start a series of mock hearings on Medicare. Or should I say fake hearings—as opposed to the dozens of real hearings Congress has held since the release of the Medicare trustees report last April.

Mr. Speaker, it is fitting that Democrats would hold fake hearings because that really gets to the heart of their commitment level to saving and strengthening Medicare.

They would rather pose and posture at a fake hearing than come up with real solutions in the real Congress.

WHY ARE REPUBLICANS AFRAID TO DEBATE THEIR MEDICARE PLAN?

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

Mr. BONIOR. Mr. Speaker, why are the Republicans so afraid to debate their plan on Medicare?

So far this year, we have had 28 days of Whitewater hearings. We have had 2 weeks of hearings on Waco and Ruby Ridge.

Yet, when it comes to deciding the future of a program that affects every single American family, they could only find time for 1 day of hearings.

But I suppose if I had a plan that doubled premiums to $100, took away the choice of doctors, and cut benefits just to pay for tax breaks for the wealthy, I would keep it hidden, too.

Mr. Speaker, the American people deserve better. They deserve at least 4 weeks of debate on Medicare.

The Republicans are trying to steamroll their Medicare plan through this House. I think the American people have a right to ask: what are the Republicans trying to hide?

MEDISCARE

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

Mr. KINGSTON. Mr. Speaker, here we are two speeches into the day, and we are already hearing the Democrat Mediscare standard, boiler plate speech. We do not necessarily expect to have their help. It would be nice. Some of the Democrats are in the debate, and it is very good.

Let us just move away from the partisanship, move to an outside party. What does the Washington Post say? The Republican Party is anathema to the Washington Post. It would be the equivalent of a Georgia graduate saying something complimentary about Georgia Tech. So what does the Washington Post say about the Republican plan? Here is an editorial page, September 15; it talks about how great the plan is. I can get anybody who wants a copy of that. How do they describe Democrat Mediscare? Crummy stuff, demagoguery, big time scare tactics, expostulation, some kind of fancy Washington word, irresponsible.

What do they call the Republican plan? Remember, this comes from the Washington Post: Congressional Republicans have confounded the skeptics; it is incredible; it is gutsy; it addresses a genuine problem that only is going to get worse.

Ladies and gentlemen, that is coming from the Washington Post. Maybe the Democrats will get with the program. Who knows.

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WHO SAYS IT IS NOT A CUT?

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong objection to the proposed Medicare cuts and in objection to the propaganda we are hearing from the Republicans on their plan. It is not a cut. It is simple mathematics.

The elderly served by Medicare are growing, the population served. Thus, increases in funding are needed to provide services for more people. If you cut from the rate of growth, you either have to push people out or you provide them less services for what they are paying. It is all too simple.

Yet the majority would have us believe the reductions in Medicare are not cuts. Are we going back to the days when seniors had to choose between health care or food on their tables? Let us be honest about it. By cutting a program with a growing population, the result will mean more rationing. Health care will be rationed to those who cannot afford to pay more out of their pocket and will be asked to pay more and more of their fixed incomes or greatly lower their standard of living for seniors.

Ask yourselves these questions: Do you want poor seniors to pay more for less service, choose between health care or food? Do you want your elderly relatives to have surgery in a hospital, pushed to the brink of bankruptcy from cuts in Medicare? Or do you want a surgeon whose training has been reduced because of cuts in Medicare?

WHERE ARE THE DEMOCRATS?

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

Mr. JONES. Mr. Speaker, for decades Medicare has been a vital program that has helped millions of Americans get the medical care they need. Now, the Republicans in Congress are working for an even stronger Medicare system. The Democrats, on the other hand, are only offering scare tactics.

Here are the facts: Under the Republican plan, Medicare spending per beneficiary will increase from $4,800 today to $6,700 in the year 2002. Mr. Speaker, there are no cuts. We are working on a plan to save Medicare from bankruptcy, while increasing benefits for the seniors of America.

Mr. Speaker, this is one of the most important issues that Congress will face this year. Where are the Democrats? The Republicans in Congress have recognized this fact and have chosen to tackle the problem head on. It is our goal that Medicare remains strong for today's seniors and for generations to come.

THE TAXPAYER BILL OF RIGHTS

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

Mr. TRAFICANT. Mr. Speaker, there is a taxpayer bill of rights coming to the floor. Let me say this: There can be no real taxpayer bill of rights as long as after it is all over a taxpayer is still considered guilty in front of a tax court. That is what is happening.

The IRS is successful once again. They have killed it for years. They say the major problem with the Traficant bill is it is too costly and the Government will lose too much revenue.

Let me ask this of all people here in Washington, DC: If some bureaucrats in a backroom would have scored the Constitution, would we, in fact, have a bill of rights today, ladies and gentlemen? Grand juries are too costly, juries are too expensive.

Let us tell it like it is. The Democrats abandoned taxpayers on this issue. In my opinion Democrats failed. I am a Democrat.

Republicans have a chance to right a major wrong. A taxpayer should be innocent until proven guilty like anybody else, and I should have a chance to bring my bill in the form of an amendment to that taxpayer bill of rights.

INTRODUCTION OF BIF–SAIF BILL

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

Mrs. ROUKEMA. Mr. Speaker, yesterday, I introduced legislation that will have a monumental impact on the financial services industry and depositors. Its purpose is to provide a comprehensive reform of the deposit insurance funds and will merge the bank and thrift charters. This BIF–SAIF legislation reflects the hard work of a bipartisan working group of the Financial Institutions Subcommittee, which I chair, that was developed over the last several months.

Since the spring, the subcommittee has held three hearings on BIF–SAIF. The last of these hearings brought forth strong support for a comprehensive approach to the problem, which this legislation being marked up today represents.

In brief, the legislation provides a financial solution to the problem of the insurance funds similar to that proposed by the administration. It recapitalizes the SAIF and through the use of a one-time special assessment of SAIF members. It spreads the FICO costs proportionately among all members of the FDIC as of the date of enactment. In addition, it merges the BIF–SAIF.

What is critical here, is that it goes beyond the administration-sponsored financial fix and merges the bank and thrift charters on January 1, 1998, requiring thrifts to convert to banks.

This legislation will have a monumental impact on the financial services industry and provides a comprehensive solution to a complex problem. This bill will ensure that we do not see a repeat of the savings and loan debacle of the 1980's. It is a fair and balanced approach that will prevent the need for any future bailouts of the thrift industry.

I urge my colleagues' cosponsorship.

It is of vital concern to the banks the S&L's and the depositors and taxpayers.

REQUEST FOR PUBLIC HEARINGS ON CHANGES TO THE MEDICARE SYSTEM

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

Ms. DELAURO. Mr. Speaker, after months of hiding their Medicare plan from public view, House Republicans are going to give the American people a look, but, be careful not to blink—you might miss it.

Republicans have announced that they will only have a single day of hearings to discuss their plan to radically dismantle the health care system that serves 37 million American seniors. So far this year, Republicans have treated the public to weeks of politically-charged hearings on Whitewater, Waco, and Ruby Ridge. But, when it comes to the largest cut in the history of Medicare, they cannot find the time on the schedule.

So therefore, I ask unanimous consent for the immediate consideration in the House of House Resolution 221, insisting that adequate time be set aside for public hearings on changes to the Medicare system proposed to be included in the reconciliation bill. The American people deserve open, and thorough hearings on the GOP Medicare plan. Two hundred Democrats have cosponsored a resolution calling for 4 weeks of hearings. If Republicans have nothing to hide, they should agree to let the American people judge their proposal on its merits.

Mr. GEKAS. Objection.

The SPEAKER pro tempore (Mr. KNOLLENBERG). Under the Speakers' guidelines, the gentlewoman will not be recognized, because that resolution has been referred to the Committee on Rules and not cleared for consideration.

PARLIAMENTARY INQUIRIES

Mr. DOGGETT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Why would a unanimous-consent request to permit the immediate consideration of this resolution not be in order even if it has been referred to a committee.

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The SPEAKER pro tempore. The Speaker has announced the following guidelines——

Mr. DOGGETT. This is an announcement by Speaker GINGRICH?

The SPEAKER pro tempore. First by Speaker O'Neill. It has been a continual policy. It has been the policy of the Speakers. Let the Chair quote precisely from section 757 of the Manual:

> The Speaker has announced and enforced a policy of conferring recognition for unanimous consent requests for the consideration of unreported bills and resolutions only when assured that the majority and minority floor and committee leaderships have no objection.

Mr. DOGGETT. Further parliamentary inquiry, the minority leadership has been consulted. Every Democrat has signed on to this proposal to allow us additional time to consider the details of this Medicare plan, and my inquiry would be then if the Democratic minority leadership has agreed to this, it is only the Republican leadership that wants to thwart a fair and open hearing?

The SPEAKER pro tempore. The Chair is not aware of clearance by all necessary Members.

Mr. DOGGETT. All Democratic Members have signed on to this resolution and the ranking member.

Mr. HOKE. Mr. Speaker, point of order.

Mr. DOGGETT. The Democratic membership here is indicating for fair and open hearings.

The SPEAKER pro tempore. The gentleman is no longer asking for a parliamentary inquiry. He can draw his own conclusions. The Chair has stated the fact.

Mr. DOGGETT. Further parliamentary inquiry, what procedure then would be appropriate for a Member, myself or a Member of our leadership, the gentlewoman from Connecticut, to present? What timing, what form would be appropriate to present a unanimous consent request so that we could have a full hearing on Medicare instead of just 1 day?

The SPEAKER pro tempore. The Chair must be aware of clearance by all the necessary Members, as announced in the Speaker's policy.

□ 1015

Mr. DOGGETT. Further parliamentary inquiry then, Mr. Speaker.

If the Democrat leadership comes to the floor of this House and announces its desire to have this resolution considered immediately, will the unanimous-consent request be accepted at that time?

The SPEAKER pro tempore (Mr. KNOLLENBERG). The Chair will repeat. The Chair will not entertain that request according to the guidelines as a matter of discretionary recognition.

Mr. DOGGETT. So, further parliamentary inquiry, Mr. Speaker.

So a statement then on behalf of the Democrat leadership by the minority leader or by all members of the Democrat Caucus that they request that this unanimous-consent request for full and complete Medicare hearings occur, that would not be enough to get it entertained here on the floor.

The SPEAKER pro tempore. Does the gentleman understand the Chair's guidelines? They have been stated at great length.

Mr. DOGGETT. If I understood it, I would not be asking the further parliamentary inquiry.

The SPEAKER pro tempore. The Chair has referred to what is proper. The leadership on both sides must consent to this request, and they have to clear this. It cannot be brought up in this manner.

Mr. DOGGETT. Further parliamentary inquiry, Mr. Speaker.

Unless Speaker GINGRICH clears us having more than 1 day of hearing, it cannot occur. Is that the ruling of the Chair?

The SPEAKER pro tempore. The majority floor leader and the chairman of the Committee on Rules must clear this request.

Mr. DOGGETT. So, unless the Republican chairman of the committee, Mr. SOLOMON, and——

Mr. HOKE. Mr. Speaker, point of order.

Mr. DOGGETT. We cannot take up a full hearing.

ELIMINATING THE FRAUD AND ABUSE WHICH RIDDLES MEDICAID

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

Mrs. SEASTRAND. Mr. Speaker, for years the liberal Congresses have been mandating States to spend billions of dollars on programs. I know because I served in the California State Legislature. One such program is Medicaid, which now consumes nearly one-fifth of our State's budgets. This coupled with the fact that $16 billion a year from this program is lost to fraud and abuse demonstrates the need for genuine reform.

Republicans know that more Washington bureaucracy is not the prescription to save this program. That is why the legislation which we are introducing will give more freedom to State and local officials. And recipients need not fear that they will lose benefits. Our resolution will increase funding to the States by 39 percent over the next 7 years.

Only by dismantling the oversized, inefficient Washington bureaucracy can we eliminate the fraud and abuse which riddles Medicaid. Only by increasing funding to the States can we heal this ailing program.

WHAT'S GOOD FOR THE GOOSE

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

Mr. LEWIS of Georgia. Mr. Speaker, ''I am concerned that the scope, authority and independence of the special counsel will be limited by the guidelines the Ethics Committee has established. The House of Representatives, as well as the American public, deserve an investigation which will uncover the truth. At this moment, I am afraid that the apparent restrictions placed on this special counsel will not allow the truth to be uncovered. The rules normally applied by the Ethics Committee to an investigation of a typical member are insufficient in an investigation of the Speaker of the House. Clearly, this investigation has to meet a higher standard of public accountability and integrity.''

Prophetic words, indeed, Mr. Speaker.

These are the words of the current Speaker of the House in 1988 referring to the investigation of a former Speaker of this House.

POINT OF ORDER

Mr. EHLERS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. EHLERS. Mr. Speaker, I made the point yesterday with precisely the same speaker that it is out of order, according to the House rules, to discuss a matter that is pending before the Committee on Standards of Official Conduct.

Mr. LEWIS of Georgia. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, the words, every single word except for ''prophetic words, indeed,'' Mr. Speaker, that I spoke were the words that the current Speaker spoke in 1988. This is not a reference to the current investigation or the current Speaker.

The SPEAKER pro tempore. The Chair will read the following statement:

> The Chair has consistently ruled that it is not in order during debate to refer to the official conduct of other Members where such conduct is not under consideration in the House by way of a report from the Committee on Standards of Official Conduct or as a question of the privileges of the House.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Mr. Speaker, I do so so that, when I speak, I will understand the parameters of that.

As long as the focus is on the powers of a special counsel rather than a particular inquiry before the Committee on Standards of Official Conduct, it would not be out of order?

The SPEAKER pro tempore. The gentleman referred to a particular inquiry pending before the committee.

Mr. DOGGETT. But he can refer to the powers of the committee and the general subject of ethics?

The SPEAKER pro tempore. The Chair would judge those references when they are made.

POINTS OF ORDER

Mrs. SCHROEDER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her point of order.

Mrs. SCHROEDER. Mr. Speaker, I just want a further clarification.

The gentleman from Georgia [Mr. LEWIS] is saying he is talking about a precedent of prior investigations. He is discussing precedents that were discussed in this House at prior times. Therefore I am not quite sure I understand, under the Speaker's guidance, why he is not allowed to proceed with the precedent and a statement made in 1988. He is not talking about an individual in 1995.

The SPEAKER pro tempore. Members should avoid references to current investigations pending before the Committee on Standards of Official Conduct.

Mrs. SCHROEDER. Further point of order, Mr. Speaker.

Is the Chair saying then no discussion can be made of precedents, and past cases, and how the House proceeded on those past cases?

The SPEAKER pro tempore. Not if related to current matters.

Mr. HOKE. Point of order, Mr. Speaker.

It was clear that the Member had not referenced what he was speaking to. He was clearly alluding to a current investigation that was taking place.

The SPEAKER pro tempore. The Chair has already ruled that the gentleman from Georgia [Mr. LEWIS] should not refer to the current investigation.

Mr. LEWIS of Georgia. Let me conclude, Mr. Speaker, by saying this House and the Speaker cannot tolerate a double standard. What is good for the goose is good for the gander.

NEW MEDICAID APPROACH

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

Mr. EHLERS. Mr. Speaker, there has been a great deal of discussion about Medicare in this Chamber, but I believe it is time to begin the discussion of Medicaid.

I recall when I served on the Michigan legislature some of the oldtimers told me when the original Medicaid bill was passed a Member got up and refused to vote for it. He said, ''I predict that someday this State will spend $50 million a year on this program.''

Mr. Speaker, he was wrong. Today the State of Michigan is spending $2 billion on that program every year, approximately 20 percent of their general fund budget. That was true for State after State.

In my State of Michigan, Mr. Speaker, when I was in the legislature, it was very frustrating because we knew where we could save money in the Medicaid program, but the Federal Government refused to give us the freedom to pursue the actions that we wanted to pursue.

I believe it is very important that we proceed with the approach the Republicans are advocating, giving the States leeway in how they go on the program and giving them block grants so they can run it efficiently and properly. I urge that we adopt the new Medicaid approach operating through State block grants.

MEDICARE PREMIUM INCREASE

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

Mr. LEVIN. Mr. Speaker, the biggest Medicare cut in history, $270 billion, and the smallest possible number of hearings, one, and even in that hearing the deck is being loaded. The majority is picking a dozen or so witnesses and letting the minority pick a handful.

What are they trying to hide? The biggest premium increase in Medicare history doubling part B in 7 years, and a lot of people cannot afford this. In Michigan 85 percent of the seniors have income under $25,000 and 70 percent under $15,000.

A constituent wrote this to me:

> Please do not let these cuts to Medicare pass. It really would be very devastating for us. Please, please fight this for us.

That is what we Democrats are doing. We are determined to win this battle that is aimed right at the heart of seniors.

THE FEDERAL SHUTDOWN—NOT 1 MINUTE, NOT 1 SECOND

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

Mrs. MORELLA. Mr. Speaker, today I rise on behalf of millions of Federal workers who have become the unwilling passengers in what has been dubbed the great train wreck; the only thing is, a train wreck is an accident, and this is a situation we can avert.

There is a need to get this country's fiscal house in order. I support this, and it can be done without interfering with the lives of Federal workers. It can be done without the disruption a Government shutdown will have on our citizenry.

Our Federal work force provides this country with unquestionable loyalty and dedication. We remember the Federal worker, devastated and injured after the Oklahoma City bombing, still anguishing over her inability to get checks out to recipients.

Federal workers across the country and in my district do not want a shutdown this year or any subsequent year. They want to work, and I want them working.

The NIH researcher who is working on a possible cure for cancer should not miss work. We need that young woman working. There are people depending on her. I say, not 1 week, not 1 day of missed work.

The DOE scientist who is searching for alternative forms of energy should not miss work, not 1 hour, not 1 minute of missed work.

The education specialist who is designing strategies that will benefit our children should not miss work. Future generations are depending on this man. I say, not 1 second, not 1 fraction of a second of missed work.

The consequences are too great.

OUTSIDE COUNSEL WHEN INVESTIGATING THE SPEAKER SHOULD NOT BE LIMITED IN SCOPE

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

Mr. WARD. Mr. Speaker, we have an Ethics Committee and I would like to offer a primer on how the House should handle ethics cases.

Let me quote from a Member of this House, who also happens to be an experienced expert on ethics cases, who stated in 1988: ''The rules normally applied to Members of Congress are insufficient in an investigation of the Speaker of the House.'' I repeat. He said, ''The rules normally applied are insufficient in an investigation of the Speaker of the House.'' ''Clearly, this investigation,'' he said ''has to meet a higher standard of public accountability and integrity.''

Mr. Speaker, I believe that this should be the standard by which all ethics cases before this House should be considered. When the House chooses to appoint an outside counsel to investigate a Speaker, that counsel should be allowed to investigate any and all possible wrongdoing and not be limited in scope.

WE CANNOT ALLOW THE GOVERNMENT TO SHUT DOWN

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

Mr. GEKAS. Mr. Speaker, for several terms now I have introduced legislation which cannot pass the Congress of the United States, cannot be enacted into law, because it makes good sense. I have introduced legislation that would avoid the train wreck to which the gentlewoman from Maryland [Mrs. MORELLA] has just referred. What it does is if, on September 30, the Congress of the United States and the President have failed to enact a budget, then automatically into play comes instant replay of last year's budget beginning on October 1.

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This prevents for all time the specter of a Government shutdown. At the same time it permits the President and the Congress, if there is disagreement as to the extent of the budget, to continue to work to create a new budget. In the meantime, science goes on, research goes on, the Federal workers stay in place, no havoc is wreaked in the bureaucracy of Washington, although some people would say that might be a good thing. But the point is that we cannot allow the Government to shut down.

□ 1030

REPUBLICAN CHANGES TO MEDICARE AND MEDICAID

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

Mrs. SCHROEDER. Mr. Speaker, out west where I came from people used to worry about snake oil salesmen, but we pretty much got that under control. Now we have a new type of snake oil salesmen on the other side of the aisle.

I think we heard in prior discussions going on this morning that we are not going to be allowed to discuss their compassionate, wonderful, no pain changes to Medicare and Medicaid. We are just to trust them.

We are going to have 1 day of hearing. My fast math says that is about 1 minute per every 120 pages of changes they have in their bill. Oh, I am sure we will get it.

I want to tell my colleagues, as a Westerner who grew up with the tradition of snake oil salesmen, that we thought were behind us, beware. Beware. If their cuts are so painless, so harmless, so futuristic, so wonderful, why can we not have time to look at them? Why can we not air them in the sunshine? This should not be a fungus, this should be a bill.

REFORM IN THE SUGAR PROGRAM

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

Mr. MILLER of Florida. Mr. Speaker, today the Committee on Agriculture begins markup of the 1995 farm bill. I am concerned that the Committee on Agriculture is trading real reform in some commodity programs in exchange for no reform in the sugar program.

The proposal put forth by the sugar growers, which the committee intends to adopt, is not real reform. It continues a big Government program that forces the American consumer to pay double the world price for sugar. The sugar program will continue to cost American consumers $1.4 billion every year and continue to add $90 million to our deficit every year.

The Republican Party is committed to putting every program except Social Security on the table, and we want to have the right to debate the sugar program. Chairman ROBERTS is an honorable man and I trust he will keep his word to me and permit debate and vote on the sugar program.

Mr. Speaker, my bill to repeal the sugar program has 104 cosponsors, Democrats and Republicans. My bill to repeal the sugar program is real reform. The House has not considered the program since 1990. If we do not get a chance this year, it will be 2002 before we get a chance.

HEARINGS ON THE FUTURE OF MEDICARE

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

Ms. PELOSI. Mr. Speaker, when Medicare was created in 1965, seniors came from all over the United States to testify before Congress as to how to meet the health care financing needs of our Nation's elderly. As we reconsider the future of Medicare for 37 million Americans, our seniors, indeed all Americans, deserve the right to a fair and open period of public comment on an issue of concern to every family in America.

Yet as the Republicans are about to embark on the most significant changes in the Medicare system, in Medicare's history, by proposing a $270 billion cut in Medicare, the Republicans are blanking out America's voices. How unfortunate that the Republicans intend to hold only 1 day of hearings on a proposal that the American people, and especially American seniors, have yet to see. This is fundamentally unfair.

Mr. Speaker, a great Republican President hailed our democracy as a government of the people, by the people, and for the people. Our democracy is not just about free elections of representatives, it is about citizen participation in a free and open process in the formulation of public policy. Given the magnitude of the $270 billion cut, our citizens deserve better.

FEDERAL FUNDS FOR NATIONAL COUNCIL OF SENIOR CITIZENS

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

Mr. LONGLEY. Mr. Speaker, I understand that being attacked and engaging in political debate is part of the terrain one deals with when one assumes this type of office, but imagine my surprise when I obtained a copy of the tax return of the National Council of Senior Citizens, a group which is currently orchestrating a tax on me in my district, which shows that they received nearly $73 million in Federal funds for the year ending June 30, 1994, almost 96 percent of their budget, from the Federal Government.

Furthermore, I obtained information that over the last two election cycles they had contributed nearly $417,000 exclusively to Democratic candidates. Not one red cent to a Republican candidate.

Again, it is a citizen's right to express their first amendment point of view, but is there a connection?

I also obtained a copy of the audit report of the National Council wherein they say in their report that the heavy reliance on governmental grants poses a potential danger to the long-term structure of the National Council. Absent such grants, the council would be unable to continue its current level of operations without seeking new revenue sources.

MORE HEARINGS NEEDED ON MEDICARE AND MEDICAID

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

Mr. WISE. Mr. Speaker, when I held a town meeting on Medicare last week in West Virginia, there was justifiable and understandable confusion about the details. Republicans want to cut $270 billion over 7 years. Democrats say somewhere between $90 and $120 billion will be enough. The Republicans argue do they want to take the difference and give it to a tax cut?

Mr. Speaker, people have genuine questions, yet on something like this there ought to be more than 1 day of hearings, on programs such as Medicare and Medicaid, that affect 70 million Americans. Almost 700,000 West Virginians alone will have their health care somehow brought into question, whether senior citizens or Medicaid recipients. They deserve more than health stealth.

This is a B–2 bomber. I know why they like it on the other side. They like it because it is flying low on the radar screen with no details out there. They plopped the plan out on the table yesterday and they will mark it up today with no hearings on Medicaid, a program that affects 400,000 West Virginians. They want to do the same on Medicare with 300,000 West Virginians affected.

Mr. Speaker, surely the single greatest changes in America's health care plans deserve more than 1 day of hearings.

REPEAL OF GOVERNMENT SUGAR PROGRAM

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

Mr. DAVIS. Mr. Speaker, I rise today to discuss the repeal of the Government sugar program. There is no plausible reason why our Government is involved with setting and controlling the price of sugar. It is Big Government at its worst. It is a sweet deal for a wealthy few. It promotes the destruction of one of our prized environmental landmarks—the Florida Everglades.

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Because of this program, every citizen pays a hidden tax that takes money out of the pockets of American consumers to the tune of more than $1.4 billion every year in higher food prices, according to GAO. This hidden tax has cost Americans more than $10 billion over the last decade. In addition, the consumer interest group Public Voice has recently estimated that the sugar program has cost the Federal Government $110 million annually because of higher purchase prices for sugar and sugar containing products used in domestic feeding and food programs. This is money that my constituents could be saving, investing, or using to buy needed items for their families and children. But because of this program, they must pay higher prices on everything containing sugar—all because of the Federal Government interfering in the marketplace.

This fall the House will be debating a new farm bill. We will also be debating the budget reconciliation bill that will balance the Federal budget in 7 years, which will force substantial cuts in farm commodity programs such as wheat, dairy, corn, cotton, and rice. While these programs have faced cuts on average of 40 percent since 1985, sugar has not been cut one iota. This is simply unacceptable.

Mr. Speaker, I urge my colleagues to vote for repeal of this program.

THE CONTRACT WITH AMERICA: WHAT IT MEANS FOR MEDICARE

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

Mr. BROWN of Ohio. Mr. Speaker, three things will happen if the Republicans get their way with Medicare. No. 1, senior citizens will pay more in premiums. Hold on to your wallet, because House Republicans under NEWT GINGRICH have proposed a 100-percent increase in the monthly Medicare premium. That is right, a 100-percent increase, the largest premium increase in Medicare history.

The second thing that will happen is senior citizens will find it harder to choose their own doctor. Senate Republicans would try to push people into managed care, taking away their right to physician choice.

The third thing that will happen, Mr. Speaker, if Republicans get their way with Medicare, is that the American middle class will subsidize a huge tax break for the richest Americans.

We are starting to see the main effect of the Contract With America, a shift of money from the middle class to the rich. The Gingrich gravy train means at least $245 billion in tax breaks for the wealthiest Americans. And guess who pays the bill?

Mr. Speaker, Gingrich Republicans want to give the American people the largest Medicare cut in American history. It is simply not right.

WASHINGTON POST SUPPORTS REPUBLICANS ON MEDICARE

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

Mr. HOKE. Mr. Speaker, I do not normally go around quoting the Washington Post, because normally it does not agree with the way I see things, being a liberal paper of record. But look what they have said just 2 days ago about exactly what my friend from Ohio, prior speaker, was just talking about. It is called medagogues.

> Newt Gingrich and Bob Dole accused the Democrats and their allies yesterday of conducting a campaign based on distortion and fear. They are right. That is precisely what the Democrats are doing. It is pretty much all they are doing, and it is crummy stuff.

Crummy stuff. Those are tough words.

It is crummy stuff. They are absolutely right. And that is exactly what we hear day after day after day from the other side of the aisle.

The fact is, we are trying to simplify. We are preserving, saving, and improving Medicare and, again, that is exactly what they say.

> The Republicans have a plan. It is credible. It is gutsy, it is inventive, it addresses a genuine problem that is only going to get worse. What the Democrats have instead is a lot of expostulation, TV ads, and scare talk. It is demagoguery big time.

KEEP GOVERNMENT RUNNING

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

Mr. HOYER. Mr. Speaker, Speaker GINGRICH says we do not want to shut down the Federal Government. The majority leader says we do not want to shut down the Federal Government. President Clinton says we do not want to shut down the Federal Government.

Mr. Speaker, I offered an amendment in the Treasury-Postal bill last Wednesday which said we will continue the operations of Government because nobody wants to shut it down. They may want to reduce this program or cut out this program, but they want the Government to continue to serve Americans.

Why then, on almost a party line vote, when we have bipartisan support, the gentleman from Virginia [Mr. DAVIS], the gentleman from Virginia [Mr. WOLF], the gentleman from Maryland [Mr. WYNN], the gentlewoman from Maryland [Mrs. MORELLA], and others of us on both sides of the aisle, say nobody intends to shut down the Federal Government.

Why then do we not pass just a simple little bill that says we are not going to put this into politics. We will not play with people's lives, their ability to fund their mortgages, their food payments, their college tuition loans? Let us act responsibly. Let us keep our Government running. Let us pass the continuing resolution now.

PRESERVING MEDICARE

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

Mr. DICKEY. Mr. Speaker, last April the Medicare trustees reported that if nothing was done to Medicare, that it would go bankrupt. What we have is a proposition that we are making to try to preserve Medicare. The opposition comes and says, no that is terrible, and presents all these scare tactics.

But I think we are in a step process. What I believe is that we do have the knowledge on the side of those people who are opposing these modifications, we do have that knowledge that comes from having control of the Medicare Program for 30 or 40 years.

These people know where we can make modifications, slow down the increases, and save Medicare. What we are probably doing right now is trying to get their attention. They are probably saying, ''We do not believe they are going to do it. But if they do it, we can go in there and help.''

I ask those people who are opposed to those changes we are trying to make to help us with specific information that you all have so that we can help the American people and save Medicare. That is what we are trying to do.

MORE TIME NEEDED FOR MEDICARE HEARINGS

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

Mr. DOGGETT. Mr. Speaker, it is September 20 and another day has passed, and not one Republican has been willing to come to the floor of this House and level with the American people by spelling out the details of how far they plan to reach into the pockets of American seniors and cut Medicare. I have come to the conclusion it is because most of them do not have the slightest idea. They just know they are on a mission for NEWT to cut $270 billion out of Medicare, and they do not want the details to get in the way.

Mr. Speaker, we are told that this afternoon they are going to finally spell out some of the details at some staff briefing, and then they will have a 1-day stacked hearing on it tomorrow, all that the American people will get to see in hearings on this plan.

They spent 28 days on Whitewater. Why just have 1 day, unless it is to whitewash this bad Republican cut in Medicare?

Mr. Speaker, I think as long as the Republicans are unwilling to have a

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genuine bipartisan discussion in hearings, as we have proposed with extended hearings, there is no reason for this House to meet. It ought to adjourn until the Republicans begin a real bipartisan discussion of how to reform Medicare.

□ 1045

COMMISSION TO INVESTIGATE GAMBLING IN AMERICA

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

Mr. WOLF. Mr. Speaker, I have a bill in now on which we have 53 cosponsors, bipartisan, which would set up a national commission to study the impact of gambling on the country.

Gambling is beginning to corrupt this country. It is spreading from two States 20 years ago to 48 States, and it is destroying the American family. Also the gambling interests are now hiring prominent political people of both parties to represent their interests.

We now have 53 cosponsors on this bill. The gentleman from Illinois, HENRY HYDE, has promised us hearings next week. I would ask and urge all Members of the Congress, Republican, Democrat, liberal, and conservative, to cosponsor this bill, so we can pass a bill that studies the impact of gambling, so when local boards of supervisors look, they know what the impact will be.

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

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

Mr. BONIOR. Mr. Speaker, I want to commend my colleague for raising this issue, and I want to ask him to put me on this resolution. I think this is far overdue.

Mr. WOLF. Mr. Speaker, I will put the gentleman on, and urge all other Members to sign on.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, since we are not able to bring up the resolution with respect to hearings on Medicare, and we have no other choice on this side, I offer a privileged motion.

The SPEAKER pro tempore (Mr. KNOLLENBERG). The Clerk will report the motion.

The Clerk read as follows:

Mr. BONIOR moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

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

Mr. BONIOR. 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 of Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 167, nays 237, not voting 30, as follows:

[Roll No. 672]

YEAS—167

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Miller (CA)
Mineta
Minge
Mink
Mollohan
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tejeda
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—237

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—30

Callahan
Chapman
Clayton
Collins (IL)
DeFazio
Diaz-Balart
Dornan
Fattah
Fields (TX)
Jefferson
Kennedy (MA)
Martinez
Meek
Mfume
Moakley
Moran
Murtha
Owens
Oxley
Payne (NJ)
Porter
Reynolds
Sisisky
Smith (WA)
Stokes
Thompson
Tucker
Waldholtz
Williams
Young (AK)

□ 1108

Messrs. FLANAGAN, MILLER of Florida, and STOCKMAN changed their vote from ''yea'' to ''nay.''

Mr. NEY and Mr. HILLEARY changed their vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during rollcall vote No. 672 on the motion to adjourn, I was unavoidably detained. Had I been present I would have voted ''yea.''

REQUEST FOR PERMISSION FOR SUNDRY COMMITTEES AND SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

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The Committee on Agriculture, the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Resources, the Committee on Science, and the Committee on Veterans' Affairs.

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

Mr. WISE. Mr. Speaker, reserving the right to object, I might note that all of these committees are sitting. We would like to actually have them sitting a little more and holding hearings on Medicare and Medicaid rather than the one hearing on Medicare they will be getting and the no hearings on Medicaid. Apparently, they are not going to sit. We are not going to delay that process, but everyone should know the train is rolling here. We think it is a sad day when you cannot have hearings on health matters that affect 70 million Americans.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. GIBBONS. Mr. Speaker, reserving the right to object, and I may object, I think it is a legislative sin and a shame that you have been in control of this House for 10 months, you have been promising a Medicare bill for 10 months, and today nobody has seen a copy of that bill. That is the most complicated piece of legislation that this Congress will take up this year.

You are trying to sneak it past us, very cleverly, very stealthily, without any hearings. No one will understand it. No one will understand it.

Look at me now, how can you do such a thing and then come here and ask unanimous consent that people can work while other things are going on? That is the most ridiculous argument I have ever heard.

The silence, the silence of the Republican side is typical of the silence that they have had all along on this Medicare proposal. They are going to take $270 billion out of the pockets of Medicare people and put it into the hands of the very rich constituents. You know that is what you are doing, and you will not give us any hearings, 1 day, and we do not even have a bill to have a hearing on. What a joke. What a joke.

We are going to have a Medicare hearing on Thursday, and we do not even have a bill. Shame.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Chair will state that it requires 10 Members to object.

Mr. GIBBONS. Will the gentleman from Texas tell us where the bill is?

The SPEAKER pro tempore. The gentleman is out of order.

(Messrs. WISE, WAXMAN, GIBBONS, FAZIO of California, FROST, LEVIN, BONIOR, HEFNER, OBEY, and SABO also objected.)

The SPEAKER pro tempore. A sufficient number has objected.

Objection is heard.

MOTION FOR PERMISSION FOR ALL COMMITTEES AND SUBCOMMITTEES TO SIT TODAY AND THE REMAINDER OF THE WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to clause 2(I) of rule XI, Mr. ARMEY moves that all committees and subcommittees of the House be permitted to sit today and for the remainder of the week while the House is meeting in the Committee of the Whole House under the 5-minute rule.

PARLIAMENTARY INQUIRY

Mr. WISE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. WISE. Mr. Speaker, parliamentary inquiry.

Mr. ARMEY. I am sorry. It has been necessary——

Mr. WISE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from West Virginia will state his parliamentary inquiry.

Mr. ARMEY. Mr. Speaker, I do not yield for that purpose.

Mr. WISE. For a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman does not yield.

Mr. WISE. Mr. Speaker, parliamentary inquiry. The Chair makes that decision. Parliamentary inquiry.

The SPEAKER pro tempore. Let us have order.

Mr. WISE. The gentleman does not yield for a parliamentary inquiry.

Mr. GIBBONS. In other words, we have been gagged, we have been stonewalled, and now we are being gagged. Is that it? Is that it, I ask the gentleman from Texas [Mr. ARMEY], stonewalling us? You have been stonewalling us for 10 months.

Mr. ARMEY. Mr. Speaker, I believe I control the time.

The SPEAKER pro tempore. The Chair is ready to rule. The parliamentary inquiry was sought before the time was given to the majority leader.

Mr. WISE. I thank the Chair. Parliamentary inquiry, is the Chair or is the gentleman going to, or does this side receive the customary 30 minutes in debate on this matter?

Mr. LINDER. That is not a parliamentary inquiry. Furthermore, the gentleman from Texas did not yield for that.

The SPEAKER pro tempore. That is up to the majority leader.

Does the majority leader yield?

Mr. ARMEY. Mr. Speaker, I do appreciate the inquiry made by the gentleman from West Virginia, and for whatever time I speak on my privileged motion, I will see to it that the gentleman from West Virginia is given twice as much time as I take.

Mr. Speaker, am I recognized to speak on my motion?

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

□ 1115

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

Mr. Speaker, let me again reiterate the fact that whatever time I spend speaking on this motion I will grant to the gentleman from West Virginia twice as much time as I take. This is an important motion. I am sorry it has become necessary to do so. We do want to, at least when we are operating within the Chamber, do so in an orderly fashion while we allow the remainder of work of Congress to go forward.

Mr. Speaker, I reserve the balance of my time with the reservation that the timekeeper report to me such time as I used to this point, and I will yield that amount of time to the gentleman from West Virginia [Mr. WISE] for purposes of debate only.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Texas [Mr. ARMEY] consumed 30 seconds.

Mr. ARMEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, what is at issue here and what the gentleman from Florida [Mr. GIBBONS] has raised is the fact that we are just going to approve a number of committees sitting. Now they are sitting on some important matters, some not as important. None of them is as important as health care that affects 70 million Americans. Thirty-seven million Americans affected by Medicare, that receives one hearing on Thursday, Medicaid, which is being marked up, as I understand, today by the Committee on Commerce; the bill dropped on the floor yesterday affects roughly 31 to 32 million Americans.

Mr. Speaker, clearly it is outrageous that we can have 6 days of hearings on the National Highway System that we will take up in a minute, we can only have 1 day of hearings on Medicare, and none on Medicaid, and both make the National Highway System, as important as I think it is, pale by significance in dollars and in impact.

So, I would just urge Members to reflect on this and urge that we go ahead with the Dingell resolution, which will provide 4 weeks of hearings. I think, if we are going to change the health programs that affect the largest number of Americans, have been in place for 30 years, we should get more than 1 day of hearings.

The SPEAKER pro tempore. The time of the gentleman from West Virginia [Mr. WISE] has expired.

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

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The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

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

RECORDED VOTE

Mr. ARMEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 175, not voting 16, as follows:

[Roll No. 673]

YEAS—243

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—175

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Chapman
Clayton
Clement
Fields (TX)
Flake
Jefferson
Kennedy (MA)
Meek
Mfume
Moakley
Payne (NJ)
Reynolds
Sisisky
Thompson
Tucker
Waters

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Messrs. KENNEDY of Rhode Island, SPRATT, and CONYERS changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 224

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2274) to amend title 23, United States Code, to designate the National Highway System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 2349. That amendment in the nature of a substitute shall be considered by title rather than by section. The first two sections and each title shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 1(q)(10) of rule X, clause 5(a) of rule XXI, or section 302(f) of the congressional Budget Act of 1974 are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Shuster of Pennsylvania or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text. During further consideration of the bill for amendment, the Chairman of the Committee of the whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this

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resolution, all time yielded is for the purpose of debate only.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. QUILLEN. Mr. Speaker, House Resolution 224 is an open rule providing for the consideration of H.R. 2274, the National Highway System Designation Act of 1995. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order an amendment in the nature of a substitute as an original bill for the purpose of amendment consisting of the text of H.R. 2349. The substitute shall be considered by title rather than by section, and the first two sections and each title shall be considered as read.

The rule waives section 302(f) of the Congressional Budget Act of 1974, prohibiting consideration of legislation providing new budget authority in excess of a committee's allocation, against consideration of the bill and against the amendment in the nature of a substitute.

Also, the rule waives clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill, and clause 1(q)(10) of rule X, prohibiting inclusion in a general roads bill of provisions addressing specific roads, against the amendment in the nature of a substitute.

The rule further provides for the consideration of the manager's amendment printed in the Rules Committee report. The amendment is considered as read, and is debatable for 10 minutes equally divided between the proponent and an opponent. All points of order against the amendment are waived. If adopted, the amendment is considered as part of the base text for the purpose of further amendment.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, as a freshman Member of Congress back in 1963, I proudly served on the Public Works Committee. I developed a high respect for the difficult and important work done by the committee. They did a great job back then, and that hasn't changed. Chairman BUD SHUSTER and the other members of the committee have done an outstanding job in putting together this important bill. As always, the committee worked with a bipartisan spirit and I strongly support this legislation.

The establishment of the National Highway System is essential to ensure the necessary infrastructure to carry people and goods safely and efficiently across the country will into the 21st century.

I understand that an agreement was made to allow a vote on taking the trust funds off budget at a later time. I personally support taking the various transportation trust funds off budget, but I don't want to see this legislation stalled because of those provisions, and I look forward to voting on this issue sometime in the near future.

There are some concerns over certain provisions of this bill, such as repealing the maximum speed limit and helmet penalties. This open rule will allow all Members to fully participate in the amendment process, and I urge its adoption.

Mr. Speaker, I insert extraneous materials into the RECORD as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 19, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	47	74
Modified Closed[3]	49	47	15	23
Closed[4]	9	9	2	3
Totals:	104	100	64	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)

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SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95)
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95)
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95)
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95)
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95)
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95)
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95)
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

Mr. Speaker, I rise in support of House Resolution 224 and in support of H.R. 2274. This is urgent legislation and I urge its quick passage in order to protect the funds for the Nation's highway system. The Transportation Committee is to be commended for bringing forward a bipartisan bill which is truly in the Nation's interest. While there are several issues which are controversial, most notably the repeal of the Federal speed limit and the motorcycle helmet requirement, this open rule will allow the House to fully debate these and other issues.

However, in spite of my support for this rule, it is my intention to call for a no vote on the previous question for this resolution. Mr. Speaker, tomorrow the Committee on Ways and Means is holding its only day of hearings on proposals to cut Medicare by $270 billion. In spite of the fact that my Democratic colleagues on Ways and Means have objected in the strongest possible terms to giving these enormous changes such short shift, the Republican majority has not seen fit to give the public the opportunity to fully digest and comment on their proposal. And, I might add, no one has actually seen any text and clairvoyance is required to comment on the specifics of the Republican proposal. For that reason, Mr. Speaker, I will call for a no vote on the previous question in order to allow an amendment to the rule to permit the consideration of House Resolution 221, a resolution sponsored by 201 Members calling for additional hearings on Medicare legislation.

As I stated at the outset, I support the open rule providing for the consideration of H.R. 2274. Mr. Speaker, I especially want to thank the Transportation Committee for their designation of Interstate 35 as a congressional high priority highway. This road, which runs through the middle of my congressional district, stretches from Laredo, TX at the Mexican border, to Duluth, MN, at the Canadian border. It also connects by a trunk road with the transportation facilities in Kansas City, MO. I–35 is a vital transportation link between the three NAFTA partner-nations and has rightfully been called a river of trade.

Because of the lack of adequate rail systems in Mexico, highways are truly a vital link for that Nation's trade to the north. In fact, approximately 74 percent of Mexico's trade with the United States travels on our highways and more than half of that amount crosses the border at Laredo.

Interstate 35 benefits every State and every community along its 1,500 mile route because trade is truly a two-way street. United States and Mexican officials are predicting a doubling of trade between now and the year 2000 and another doubling by 2010. Texas commerce with Mexico accounted for $20.3 billion in exports in 1992, and Oklahoma's exports to Mexico in 1993 totaled $158 million up 226 percent from 1989 levels. Running through the Nation's midsection, I–35 links the entire United States with Canadian and Mexican markets through rail, air and truck links.

It is the hope of the multistate I–35 Corridor Coalition that the designation of I–35 as a high priority corridor is just a first step toward the eventual designation of this vital transportation link as the International NAFTA Superhighway. With increased trade will come increased traffic and a need for enhanced safety mechanisms as well as construction and maintenance of the roadway. I–35 is currently the only fully constructed north-south Interstate link between Mexico and Canada and its high priority designation will enhance efforts to improve the road to accommodate the increase in commercial traffic that has begun and promises only to grow.

Mr. Speaker, I would also like to take the opportunity to salute my friend and colleague, NORM MINETA. His service to the Congress and particularly to the transportation needs of this great Nation has been a model of dedication and high-mindedness. He has been both a champion of noble causes and a workhorse in the day-to-day business of the House. Our country and this Congress are far better because of him and he will be missed. I salute you NORM and wish you well as you take leave of us.

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

The SPEAKER pro tempore (Mr. DICKEY). The Chair joins in recognition of the gentleman from California [Mr. MINETA].

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], a very valuable member of the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of this open rule for H.R. 2274, the National Highway Designation System Act of 1995. As a member of the Committee on Rules, I am very pleased we are bringing to the floor today yet another open rule, one which will permit the House to have a thorough and complete debate on this very important, timely legislation. This resolution honors our commitment to an open amendment process, and by including a preprinting option, the committee continues to encourage Members to make their amendments available for their colleagues to review before debate begins on the House floor.

While the focus of this legislation is to designate the National Highway System, it also takes a much-needed step to provide immediate relief from a number of costly Federal mandates or requirements put in place by ISTEA in 1991. I would like to express my thanks to the gentleman from Pennsylvania,

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Chairman SHUSTER, and to other members of the Committee on Transportation and Infrastructure, especially my colleague from Mississippi, Mr. PARKER, for a thoughtful reconsideration of and for working to include in this bill a provision to repeal the so-called crumb rubber mandate.

Well intended, and enacted as an incentive to encourage the use of recycled paving material, the crumb rubber mandate also carried with it a heavy penalty for noncompliance. But the universal application of crumb rubber has, at its best, met with mixed results. For example, what works in warmer climates does not necessarily work in cold. Therefore, many State transportation departments, including the Ohio Department of Transportation, have voiced their strong concerns about this example of overreach by the Federal Government.

In Ohio alone, this mandate costs $50 million each year, money that could be used to repave nearly 700 miles of highways, or rehabilitate 137 bridges. Repealing this mandate simply reaffirms that States indeed know how best to build highways in their locales, and it is a very positive step toward allowing the States more freedom and flexibility to make important highway construction decisions.

Mr. Speaker, the Committee on Transportation and Infrastructure has reported a very responsible bill, which must be completed before the end of the month in order for valuable highway funds to continue flowing to the States. The rule before us will set the stage for this kind of deliberation that is needed in this body, and I urge my colleagues to support this fair and open rule.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, the House is embarking on I think a very bad precedent and a very dangerous course. Many of my colleagues wonder why the motion to adjourn today? The answer is very simple: First of all, the rights of the Members of the institution are being severely impinged upon. The House is being called upon in just a few days to consider legislation on which there have been very little in the way of hearings; indeed, in our committee, no hearings on either the Medicare or Medicaid proposals, and in the Committee on Ways and Means, a similar situation. Members are not going to know what the questions are associated with regard to the legislation.

The bill, which was submitted to our committee and which is being written in our committee as we speak here at this moment, was submitted to the Congress Monday night; that is, September 18, at 9 p.m. The markup on this in our committee commences today. This is on proposal which was already changed since it was sent up. The staff on the Committee on Commerce spent all night Monday night and all night last night on the minority side looking to try to understand what is in this piece of legislation.

A similar situation impends with regard to the Medicare proposal. These proposals have been part of the Republican Contract on America since last summer when my Republican colleagues marched to the front of the Capitol to join in a big signing ceremony. They knew what was going to be in it, but they have not shared it with the American people.

Now, the question is, why is this great haste before us? Why are we being compelled to consider legislation which has not yet been made available to the Congress, on which no American citizen has either understanding or appreciation of all of the enormous subtleties?

These are pieces of legislation which will run to scores, if not hundreds, of pages. These are pieces of legislation which are going to affect every citizen in this country, which are going to have significant impact on the poor, the young, the old. Indeed, they are going to lend credit to the claims that the Republicans are giving new meaning to the words ''women and children first,'' and that it is the women and children and the old and the poor and the weak who are going to be most afflicted by these changes.

Now, I would say on the basis of some 40 years service in this body, that the best legislation is bipartisan legislation when it can be gotten. The second best legislation is legislation which is crafted and contrived in an open fashion, in which everyone here has an opportunity to ask questions and to understand fully all of the issues that are involved and to get the best answers we can, so that we craft the best public policy.

Here we have a situation with no hearings on either Medicare or Medicaid. There are not cost estimates from the Congressional Budget Office. There has been no opportunity for interested persons to be heard. And this is true with regard to either Medicare or Medicaid.

The bill on which this rule would be offered has had 6 days of hearings and markup. The bill was started February 8. Discussion has been going on for months. The early drafts were made available to the Congress. There has been fair discussion. And whether you are for or against the bill that this rule would make in order, you cannot say that the process has not been at least basically fair and open.

No such claim can be made with regard to Medicare and Medicaid. The matter has been conducted in such a haphazard, sloppy and concealed way, that no person can really tell you what is in the bill or what the impact of it is going to be.

We sought responses from Governors of a number of States, interestingly enough, all but one Republicans, and we got an answer from no one except from the one Democratic Governor, in which on Medicaid it was said the result would be devastation of the Medicaid program for the State of Florida.

These are not issues which are small. Even President Reagan talked about the safety net. And in his discussion of the safety net, he said it is going to take care of those who are most poor, least able to address change, and least able to sustain hurt, and those who have the least resources with which to address the costs and the stresses of life, particularly from the standpoint of health and things of that kind.

This legislation, with regard to Medicaid, which is not being marked up in our committee, is not a safety net anymore. It is simply a big concrete floor on which the poorest and the least well-to-do in our country are going to come smash. No hearings, no opportunity to be heard, and, indeed, a terrible result.

Reject this rule. Let us have an open rule, so that we can bring this legislation to the floor after an appropriate period of hearing and after the rule has been amended to enable this side to get full hearings on the matter.

□ 1200

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

I thought we were discussing the highway bill and not Medicare, and I think in the future, we should confine our remarks to the rule before us. I dislike making a point of order, and I will not do it at this time, but I would hope that we confine our remarks to the bill before us.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman of the committee.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the gentlewoman for letting me go essentially out of order so we can get all the things done we need to do.

Mr. Speaker, this is historic and urgent legislation, and I commend the Committee on Rules and the leadership for bringing this open rule to the floor.

We must pass this legislation quickly so that we free up nearly $6 billion of funds, critical highway funds that will go to our States.

As a show of good faith and a strong commitment to getting this bill out quickly, I have agreed to drop two important provisions. First, I have agreed to drop the provision in the bill which passed overwhelmingly in the committee, indeed, I believe unanimously, to take the transportation trust funds out of the general fund budget. I did this because I received a commitment from the leadership that we will, indeed, have a vote on this issue later this year after the appropriations and the reconciliation process.

It is important to emphasize that there are 222 Members of this body who are cosponsors of the legislation to remove the transportation trust funds off

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budget, a majority; many others have committed to vote for it who are not cosponsors. Indeed, a majority of the Republicans of the House are cosponsors; nearly a majority of the Democrats of the house are cosponsors; a majority of the Republican freshman class are cosponsors. That issue has strong bipartisan support. But I have agreed to drop it in the interests of moving the national highway system bill quickly.

Secondly, I have agreed to drop the trigger provision which will move up the reauthorization of ISTEA from 1997 to 1996. I still believe there are solid policy reasons for doing this. However, because we want to bring bipartisan legislation to the floor and some of my Democratic colleagues on the committee have problems with this, again, in the interests of bipartisanship and good faith, I have agreed to drop this provision in this legislation. We may well consider it in another context later this year, but we need to pass the national highway system bill quickly. Also, dropping these two important provisions, also, is being done with an eye toward demonstrating to the other body we want to cooperate with them. They have expressed concerns about these two provisions as well in this particular piece of legislation. So we have dropped those controversial provisions so that we can move quickly and get the national highway system final approval and get the money released to the States so we can build highways, improve productivity for Americans and save lives.

Mr. FROST. Mr. Speaker, I yield 6½ minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, first of all, let me join my friend, the gentleman from Texas [Mr. FROST], in commending the distinguished gentleman from California [Mr. MINETA], the ranking member and former chairman of the Committee on Transportation and Infrastructure, for outstanding service to this Nation on important issues related to the committee on which he serves and particularly the highways of this country, and to also commend the gentleman from Pennsylvania for his leadership throughout the years as well, the gentleman from Pennsylvania [Mr. SHUSTER], and the Committee on Rules for bringing an open rule to the floor of the House, which is refreshing to see on this floor.

I wanted to talk about the priorities in which we are addressing issues in this Congress and, of course, the rule debate is on the priorities which we believe are important to bring forward to the American people. While I think this highway bill is, indeed, an important bill, I think it quite frankly this month or in the next 2 months, I should say, pales in comparison to what may in fact happen with respect to Medicaid and Medicare, a cut of over $450 billion for people who need those particular resources in order to survive either as senior citizens in this country or people who are struggling at the lower end of our economic spectrum. I would just echo the comments that were made by my colleague from Michigan, Mr. DINGELL, the ranking member of the Committee on Commerce. The gentleman from Michigan [Mr. DINGELL], I think, correctly pointed out that we have had hearings on this highway bill that lasted 6 days. They started on February 8. Discussions have been going on for 7 months. We have also seen that we have had Ruby Ridge debated in hearings for 2 weeks, Waco for 2 weeks, we had 28 days of hearings on Whitewater.

This bill, the highway bill that we are discussing today, 6 days, yet when it comes to the biggest bill that will affect over 70 million people directly and probably everyone in the country, cuts in Medicare and Medicaid, over $450 billion, this Congress is relegated to 1 day of hearings, none on Medicaid, 1 on Medicare. It is an outrage. It is an absolute outrage, Mr. Speaker, that that is where we are headed in this most important debate for Americans.

Do the American people not deserve more than 1 day debate? Do they not deserve more than 1 day to talk about these ideas?

For 9 months now we have heard talk from this side of the aisle about how they plan to save Medicare. But to this day we are still waiting to see what their plan is. We are still waiting for their details. They have brought a highway bill to the floor today, and in that highway bill, they have outlined where they want to take the country. I think they are going to find a lot of general agreement with that.

My friend from Pennsylvania, whom I had a kind word about just a second ago, the gentleman from Pennsylvania [Mr. SHUSTER], came to the floor 10 minutes ago. He talked about the highway trust fund and the moneys in that trust fund being reserved just for highways—just for highways—so they could not be used as a hedge against our ever, actually declining now, but at one time growing budget deficit. It strikes me as rather odd and peculiar that they would come to the floor and make that argument which, frankly, I do not have too much disagreement with, and yet, and yet, when it comes to Medicare, what they want to do and what they have done is they have raided the Medicare trust fund in order to pay for tax breaks for the wealthiest people in our country and the wealthiest corporations in our country. It is hard to understand that type of rationale.

But I guess I could understand it if I had a plan, as my colleagues on this side of the aisle do, that would double the Medicare premiums to about $100 a month, that would take away your choice of doctor, that would cut your benefits to pay for these tax breaks for the wealthy; I think I probably would want to keep that hidden, as well.

So you want to talk about the truth? Let us talk about the truth here this afternoon. I ask my colleagues on this side of the aisle, why do not you tell people that not a dime of what you are asking seniors to pay in Medicare cuts will go into the trust fund? We have talked about the highway trust fund. Not one dime in the cuts in the Medicare portion of the bill that we will have shortly—$270 billion—will go into the trust fund. It is going to another fund to pay for tax breaks for the wealthiest few.

Mr. Speaker, we know that the tax cut bill that is being proposed is $245 billion on this side of the aisle, and we also know that $270 billion in Medicare cuts, and we all know the people who will be hurt most by your cuts are the people who need Medicare the most—older Americans, who pay into the system all their lives, who live on fixed incomes, and who cannot afford to see their Medicare premiums doubled. I only hope that you would not come to the floor and tell us that you are not cutting Medicare.

Only in Republican Washington can you double somebody's monthly premium in this town and then not call it a cut. You talk about cuts, talk about Medicaid as well, Mr. Speaker. Republicans have proposed the biggest cuts, as I said, in Medicaid in the history of this country.

You think they realize that if your Medicaid cuts go through, tens of millions of Americans are going to be denied long-term care, the nursing home care they need to say alive? In this country, 60 percent of Medicaid goes into nursing home care and if these cuts go through, $182 billion worth, in my State of Michigan, I am going to lose 15,000 people who will not be able to have those services next year alone and 175,000 over the course of the 7-year proposal.

So, in conclusion, Mr. Speaker, let me just end by suggesting to my friends that it is simply an outrage that we are not allowed to have more hearings, as we are in the highway bill, on Medicare and Medicaid, 1 day of hearings, 1 day of hearings. We on this side of the aisle are so determined to let the American people speak on this that we will have hearings on the lawn of the U.S. Capitol over the next several days. We will bring people here so they can express themselves and express their views on what these proposals will do to them and their families.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ], a very valuable member of the Committee on Rules.

Mrs. WALDHOLTZ. Mr. Speaker, I rise in support of this rule which provides for fair debate and consideration of the crucial issues affecting our Nation's transportation needs.

Without passage of a bill to designate the National Highway System, our States stand to lose a significant amount of funding desperately needed to improve this Nation's transportation infrastructure. My State of

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Utah alone stands to lose up to $78 million of funding per year without passage of an NHS bill, money we desperately need to address the impact of our robust growth.

Almost 2,200 miles of highways in Utah are proposed under the NHS bill. These highways carry more than 50 percent of the car travel and more than 80 percent of the truck travel in my State. This bill will play a major role toward promoting Utah's economic development and prosperity, reducing traffic congestion, improving air quality, and maintaining the quality of life Utahns have always appreciated.

In addition, I am pleased with the provisions included in this bill that would help to mitigate the negative impacts imposed under section 1003(c) of the 1991 ISTEA bill. Because of the difficulty of precisely estimating future ISTEA highway spending, the States will be hit with a significant reduction in highway funding for fiscal year 1996. This bill takes significant steps to help mitigate those impacts, helping to ensure that the States have funding they need to meet their highway needs for the coming fiscal year.

I am also pleased with provisions in the bill that repeal Federal mandates and penalties, including repeal of the national speed limit and the crumb rubber mandate.

I know repeal of these provisions is controversial; however, federal mandates such as the national speed limit simply do not make sense for sparsely populated western States like Utah. After discussing appropriate speed limits with our State director of public safety and other law enforcement officials, I am confident that the States will set speed limits that best meet their transportation needs without compromising public safety.

Finally, I would like to commend Chairman SHUSTER for his efforts to take the Transportation trust funds off budget. I believe it is time to release these trust funds for their intended purpose: rebuilding and expanding our badly over-used transportation infrastructure. While I am disappointed that a provision to take the trust funds off budget will not be included in the bill we consider on the floor today, I am pleased that we will have a chance to vote on this important issue later this year.

I urge my colleagues to support this open rule so that we may honor our commitment to designate the National Highway System to preserve and improve our Nation's transportation infrastructure.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from California [Mr. MINETA], the gentleman from Wisconsin [Mr. PETRI], and the gentleman from West Virginia [Mr. RAHALL] for this bill. I am going to support the rule.

I have two amendments that are being incorporated into the bill. I want to discuss them briefly.

The first one would aid safety rest stop areas for a full eligibility for 100 percent funding under the trust fund. In 1987 I was able to pass legislation signed into law that made bridge impact barriers, breakaway utility poles, signalization, pavement marking, signs, lights, 100 percent funded under the trust fund because people in States with limited money were fixing potholes but letting safety, which was our big talk, talking the talk, we were not walking the walk, in putting up the money for it.

□ 1215

My first amendment, Mr. Speaker, allows 100 percent funding for the safety rest-stop areas, and these are simple turnoffs, and I have report language that is submitted that is saying that they would be simple turnoffs, and there could be no fuel or food sold there because our intent is not to provide competition for commercial rest-stop areas by the States. That is a good amendment, and I appreciate the leaders on both sides having included it in this bill.

The second one will study the compliance of the Buy American Act in the procurement by the Federal highway funds and trust fund. Now everybody in this House strongly supports it. Very few people realize the waivers and loopholes that are involved. Japan, as we speak, is coming up with a $100 billion infrastructure program to move their economy, and the last time they did we were not allowed to bid on many of those projects. I believe we should be putting more Americans to work with, in fact, infrastructure improvements in America, but we should be at least looking at the procurement in these expenditures of American-made goods and products.

So, Mr. Speaker, the second amendment says, ''Look. How is America complying with, and the Department of Transportation, with Buy American laws, and how many waivers and loopholes are created in here, and how much purchasing of foreign-made goods is going on?''

Mr. Speaker, I am going to support the bill, and I commend the respective leaders on both sides for this bill.

I want to commend the gentleman from Pennsylvania, Mr. SHUSTER, the gentleman from California, Mr. MINETA—who is retiring, as well as Mr. PETRI and Mr. RAHALL, for their work on this bill.

I want to talk about two amendments I had included in the bill during committee markup. The first amendment adds the construction of safety rest stop areas to the list of safety projects eligible for 100-percent Federal funding. Currently, the safety rest stop construction projects are not explicitly part of the Federal-aid program, and are not eligible for 100-percent Federal funding.

I am not talking about commercial rest stops—the ones with Roy Rogers and TCBY's. I am talking about the construction of simple turn-offs where drivers can safely get some rest. I would hope that in the conference report, language is added that explicitly defines the term ''safety rest areas'' as follows:

Any project that provides drivers with an area where they can pull in and rest to reduce fatigue; and/or

Any project to increase parking at existing rest areas where fuel and rooms for lodging are not available—in other words: non-commercial rest stops. This would ensure that States do not build rest facilities that compete with commercial truck stops or travel plazas.

During my 10 years on the committee, I have been an outspoken proponent of full Federal funding for highway safety projects. In 1987 I was successful in adding language to transportation legislation approved by the committee, and later signed into law, that made certain highway safety improvement projects, such as pavement marking, guard rail enhancement and traffic signalization, eligible for 100-percent Federal funding. My amendment would simply add safety rest stop areas to this list.

Numerous studies have shown that the construction of additional rest stops would significantly reduce driver fatigue—especially among truck drivers—thereby reducing the number of traffic accidents associated with driver fatigue. This amendment will ensure that commercial motor vehicle drivers have the opportunity and means to obtain the hours of rest required by Federal hours of service regulations (49 C.F.R. 395).

My amendment would not cost additional money—it simply gives States the flexibility necessary to use Federal highway money in the most effective manner to improve safety on their highways. This amendment says: ''Trust the States to determine what safety projects are the most urgently needed, and let the States decide whether or not they have a shortage of safety rest stops.''

My second amendment directs the Secretary of Transportation to study how well the States have been complying with the Buy American Act in spending Federal highway funds. As you know, since coming to Congress I have championed the buy American issue. I believe strongly that, to the greatest extent possible, Federal procurement dollars should be spent on American-made products. Nowhere should this be more true than in the Federal highway program.

Most Members of Congress strongly support the Buy American Act. But not many Members are aware of the many waivers and loopholes in the Act that, all too often, result in the purchase of foreign-made products with U.S. tax dollars. The intent of my amendment is to ascertain what percentage of the tens of billions of Federal dollars that have been spent through ISTEA by the States have been spent on goods made in this country. This is another commonsense amendment, and I am pleased that it was included in the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I want to thank the leadership of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Wisconsin [Mr. PETRI], full committee ranking

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member, the gentleman from California [Mr. MINETA], and certainly the gentleman from West Virginia [Mr. RAHALL], for bringing this bill to the floor. It is certainly a bill that I think we can all support, a necessary bill, and I have a question, Mr. Speaker.

How would the American people feel if they knew this bill were coming to the floor, a bill that is going to control the spending of $20 billion a year out of a trust fund, if they knew this bill were coming to the floor without 1 day of hearings? They would feel pretty bad about it, particularly if it affected millions of Americans. Well, guess what, Mr. Speaker? They do not have to worry about it because the Committee on Transportation and Infrastructure on a bill that has a trust fund and that roughly appropriates, or handles, $20 billion a year; there were 6 days of hearings in 1995 on this important topic, there were 6 days of hearings in 1994 on this important topic, there were 7 months of bipartisan negotiations. There was a bill that was introduced months ago. The American public can be secure in knowing this bill was fully deliberated.

Now how would they feel, Mr. Speaker, knowing that there is a bill, might be a bill, out there that appropriates about, and let me think, Mr. Speaker. It appropriates about six to seven times what is in the highway bill. That is the Medicare trust fund. How would they feel knowing that the bill that would not get a day of hearings, affects 31 million people, that the bill that the Medicare system will get 1 day of hearings; that affects 37 million people. How do they feel knowing that billions more is going to go into health care and will not get but 1 day of hearing between Medicare and Medicaid?

Highway trust fund, $20 billion a year, gets 6 days of hearings this year and 7 months of negotiations. Medicare and Medicaid, which Medicare is a trust fund, gets 1 day of hearings, and we have not seen the legislation yet that deals with that legislation, and someone spoke just a minute ago about States losing money. Thank goodness the National Highway System bill is moving because West Virginia could lose several hundred million dollars if it is not enacted by October 1. Thank goodness it is moving. Guess what West Virginia stands to lose under the Medicaid legislation that gets no days of hearings in which the bill came out and was introduced just 2 days ago? First estimates are somewhere between $3 billion and $3½ billion.

So, Mr. Speaker, we can hold 6 days of hearings when a State is going to lose a couple hundred million dollars. We hold no days of hearings when a State is at risk for $3½ billion and its entire health care system is at stake.

Mr. Speaker, I am urging a vote against the previous question. I do support the bill. I think it is interesting the roads that this will build will go to many hospitals. The routes will be open because of this bill; the hospitals could be closed because of the Medicare and Medicaid bill. I think people want a highway bill, but they do not want to get run over by the health care legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, this proposed rule will set the priority for legislative business, and it is the wrong priority. This afternoon, after 9 months, we will have what a Republican aide to the Committee on Ways and Means has probably misdescribed as, I quote, the complete comprehensive details of the Republican pay-more, get-less Medicare plan. But the same aide says that the legislation just is not ready, it is not ready, and we are not ready for the legislation.

So, Mr. Speaker, tomorrow we will have a meaningless, 1-day stacked committee hearing.

POINT OF ORDER

Mr. QUILLEN. Mr. Speaker, I make a point of order that the gentleman from Texas [Mr. DOGGETT] is in violation of House rule XIV that requires Members to confine themselves to the question under consideration.

Mr. Speaker, the question under consideration is House Resolution 224, the rule for the highway bill, and has nothing to do with Medicare.

Mr. FROST. Mr. Speaker, may I be heard on the point of order?

Mr. DOGGETT. And I also?

The SPEAKER pro tempore (Mr. DICKEY). The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, the gentleman from Tennessee [Mr. QUILLEN] objects to the gentleman from Texas [Mr. DOGGETT] speaking about the resolution of the gentleman from Michigan [Mr. DINGELL], when the matter before the House is the rule on H.R. 2274.

The Speaker has ruled on this issue several times in recent years. Probably the clearest guidelines about relevant speech during consideration of a rule come from the Speaker's ruling of September 27, 1990, and I quote:

> In the Chair's opinion discussing the priority of business is within the confines of the resolution . . . the Chair has ruled that it is certainly within the debate rules of this House to debate whether or not this rule ought to be adopted or another procedure ought to be adopted by the House . . . but when debate ranges into the merits of the relative bills not yet before the House, the Chair would admonish the Members that that goes beyond the resolution . . .

Mr. Speaker, the gentleman from Texas [Mr. DOGGETT] has not discussed the merits of Medicare legislation. He has not discussed the details of it or engaged in anything like a debate on that important measure. Mr. Speaker, the gentleman from Texas has confined himself to the priority of business argument, that the House ought to be debating the resolution of the gentleman from Michigan [Mr. DINGELL] providing for hearings, providing for additional hearings, on Medicare before it gets to this important matter dealing with transportation. The gentleman from Texas has confined himself to the question of whether to adopt the rule before us or a different rule making in order the gentleman from Michigan's resolution that provides for hearings on Medicare.

Mr. Speaker, I believe the speech of the gentleman from Texas [Mr. DOGGETT] is relevant.

Mr. DOGGETT. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, as my colleague from Texas has just pointed out, the focus of my remarks from the outset is the priority of legislative business. If a rule is not an appropriate time to discuss the priority of legislative business, I know not when one could discuss the priority, and of course my reason for raising this issue of priority is that I made a parliamentary inquiry only about an hour ago to the Speaker to find out how is it possible to get before the House a resolution signed by 201 Members of this House asking for more complete and fair hearings on Medicare, and I was told there was no way to do that without the approval of Speaker GINGRICH. So it seemed to me this was an appropriate way to discuss priorities because I would be denied, as has every other Member of this House, any other way of getting the issue before the House.

So, Mr. Speaker, this is a discussion of priorities which I plan, in the brief minute I have remaining, to intermingle with the highway bill under consideration because the two are very related.

The SPEAKER pro tempore. Any other Members desiring to be heard on the point of order?

If not, the Chair will rule.

Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order.

The gentleman from Tennessee [Mr. QUILLEN] has made the point of order that the gentleman from Texas [Mr. DOGGETT] is engaging in irrelevant debate. Because the gentleman's remarks have in some respects extended to the merits of other measures, the Chair finds that the point of order is well taken.

The gentleman from Texas [Mr. DOGGETT] shall proceed in order.

Mr. DOGGETT. Mr. Speaker, the bill before us is a highway bill, and it is very appropriate that this highway bill should be considered at a time that we are to hear the first details of the Medicare plan because, my colleagues, that plan has been parked at the end of a dark alley. Most people have no idea what is in it, but now suddenly it is being removed from the dark alley, being backed out of that dead-end

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alley, and being rushed into the fast lane of the highway. It is like one of those giant 18-wheelers going 90 to nothing down the highway and let everybody else get out of the way.

Mr. Speaker, in Texas we call it the bar ditch along the highway, and that is where American seniors are going to be left, in the bar ditch. They are going to feel that they have been hit by more than a highway, by a highway man, a bushwhacker, because they will have more than a flat tire along that bar ditch. They will have a flat wallet, and it is wrong.

Mr. Speaker, the Republicans are proposing that America follow a highway to nowhere.

Mr. FROST. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to defeat the previous question. If the previous question is defeated I will offer an amendment to the rule. The amendment provides for the immediate consideration in the House of House Resolution 221. House Resolution 221 requires that the public be given adequate time to examine the radical changes in the Medicare and Medicaid Programs proposed for the reconciliation bill. The resolution also insists that committees conduct more than a single day of hearings on the largest cuts to the Medicare ever proposed. The public should be allowed to express their views before we are required to vote on such changes.

Mr. Speaker, at this point I ask unanimous consent that the amendment I intend to offer be printed in the RECORD.

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

There was no objection.

The proposed amendment to House Resolution 224 is as follows:

At the end of the resolution, add the following new section:

''SEC. 2. Upon adoption of this resolution, it shall be in order, any rule of the House to the contrary notwithstanding, to consider immediately in the House the resolution, House Resolution 221, printed in section 3 of this rule providing that consideration in the House of Representatives and its committees and subcommittees thereof of any legisation changing existing law with respect to medicare or medicaid pursuant to the reconciliation instructions of the concurrent resolution on the budget for fiscal year 1996 shall be preceded by adequate time for public examination of such legislation and public hearings thereon, and expressing the sense of the House that the Senate should similarly provide for such public examination and hearings.

SEC. 3.—

H. RES. 221

Whereas the conference report on the concurrent resolution on the budget for fiscal year 1996 (H. Con. Res. 67, 104th Congress) and the accompanying statement of managers contain reconciliation instructions to the Committee on Ways and Means and the Committee on Commerce that assume reductions in spending on medicare of approximately $270,000,000,000 below what would be spent on medicare under current law during fiscal years 1996 through 2002;

Whereas that conference report and statement of managers contain reconciliation instructions to the Committee on Commerce that assume reductions in spending on medicaid of approximately $182,000,000,000 below what would be spent on medicaid under current law during fiscal years 1996 through 2002;

Whereas that conference report and statement of managers contain reconciliation instructions to the Senate Committee on Finance that assume reductions in spending on medicare and medicaid totalling $452,000,000,000 below what would be spent on those programs under current law during fiscal years 1996 through 2002;

Whereas approximately 37,000,000 elderly and disabled Americans rely on medicare for their health insurance and health security;

Whereas more than 36,000,000 women, children, and elderly and disabled Americans rely on medicaid for their health insurance and health security, and for protection against the cost of nursing home care;

Whereas hundreds of thousands of doctors, hospitals, laboratories, and other health care providers participate in the medicare and medicaid programs and receive direct or indirect reimbursement for their services from the Federal Government in connection with these two programs;

Whereas administrative and overhead costs are less than two percent of total program costs for medicare and less than four percent of total program costs for medicaid, far smaller percentages than any private sector health insurance enterprise currently in operation in the United States;

Whereas achieving the level of reductions in medicare and medicaid assumed by the concurrent resolution on the budget for fiscal year 1996 cannot therefore be achieved solely by reducing waste, fraud, and abuse;

Whereas achieving reductions of the magnitude contemplated by the budget resolution can only be accomplished by (1) increasing the payments required from women, children, elderly, and disabled beneficiaries, (2) reducing payments to physicians, hospitals, nursing homes, and other health care providers, (3) reducing coverage for current or future beneficiaries, or (4) some combination of the foregoing three strategies;

Whereas the budget resolution requires committees to submit their reconciliation recommendations to the Committee on the Budget by September 22, 1995;

Whereas as of the date of the introduction of this resolution, no legislative language to achieve the medicare and medicaid cuts contemplated by the budget resolution has been introduced or otherwise made public, so that members of the public and their Representatives in Congress have not had the benefit of adequate time to examine, analyze, and understand the impacts of the changes that will have to be proposed to achieve the contemplated reductions;

Whereas the Congress should serve as a partner with the American people in addressing the Nation's health care needs and problems;

Whereas with the exception of national security matters, there are few reasons for Congress to act behind closed doors in formulating policy that will directly and dramatically impact more than 73,000,000 Americans and their families and will indirectly impact every American;

Whereas there is concern that the lack of public and media access to the formulation of changes in the existing medicare and medicaid laws in connection with the reconciliation process threatens the ability of all affected Americans and their Representatives to evaluate such changes adequately when they are finally made public;

Whereas public hearings on the consequences for the United States and its health care system of any such changes in medicare and medicaid are necessary to educate the public who must live with those consequences and their Representatives in Congress who must act on the forthcoming medicare and medicaid changes: Now, therefore, be it

Resolved, That—

(1) any markup in the committees of the House of Representatives or any subcommittees thereof of any legislation changing existing law with respect to medicare or medicaid pursuant to the reconciliation instructions of the concurrent resolution on the budget for fiscal year 1996 shall be preceded by a minimum of four weeks for public disclosure of the legislative text of such changes, during which time additional and thorough public hearings on such text shall be held;

(2) no such legislation shall be considered in the House of Representatives until the requirements of paragraph (1) have been met; and

(3) it is the sense of the House that the Senate should guarantee public and media access to and consideration of the legislative text of any changes to be considered in that body by adopting a similar schedule for public disclosure and hearings.

Mr. FROST. Mr. Speaker, I urge defeat of the previous question, and I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. FROST. 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.

Pursuant to clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a recorded vote, if ordered, may be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 20, as follows:

[Roll No. 674]

YEAS—241

Allard	Brownback	Condit
Archer	Bryant (TN)	Cooley
Armey	Bunn	Cox
Bachus	Bunning	Crane
Baker (CA)	Burr	Crapo
Baker (LA)	Burton	Cremeans
Ballenger	Buyer	Cubin
Barr	Callahan	Cunningham
Barrett (NE)	Calvert	Davis
Bartlett	Camp	Deal
Barton	Canady	DeLay
Bass	Castle	Diaz-Balart
Bateman	Chabot	Dickey
Bereuter	Chambliss	Doolittle
Bilbray	Chenoweth	Dornan
Bilirakis	Christensen	Doyle
Bliley	Chrysler	Dreier
Blute	Clinger	Duncan
Boehlert	Coble	Dunn
Boehner	Coburn	Ehlers
Bonilla	Collins (GA)	Ehrlich
Bono	Combest	Emerson

English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—173

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—20

Brown (FL)
Collins (IL)
Conyers
Flake
Hastings (FL)
Hefner
Jefferson
Kennedy (MA)
Meek
Mfume
Moakley
Payne (NJ)
Quinn
Reynolds
Schiff
Sisisky
Skeen
Torres
Tucker
Watts (OK)

☐ 1248

Ms. MOLINARI and Ms. MCCARTHY changed their vote from ''yea'' to ''nay.''

Mr. RAHALL changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. FROST. 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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 39, answered ''present'' 1, not voting 19, as follows:

[Roll No. 675]

YEAS—375

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—39

Ackerman
Becerra
Brown (CA)
Brown (OH)
Chapman
Clay
Coyne
Dellums
Engel

Dooley	Kaptur	Owens
Durbin	LaFalce	Rangel
Edwards	Lantos	Sabo
Evans	Lewis (GA)	Schroeder
Fattah	Manton	Stark
Filner	Markey	Tejeda
Frank (MA)	Martinez	Towns
Hilliard	McHale	Vento
Hoyer	Miller (CA)	Waxman
Johnston	Ortiz	Yates

ANSWERED ''PRESENT''—1

Gibbons

NOT VOTING—19

Brown (FL)	Hefner	Payne (NJ)
Collins (IL)	Jefferson	Reynolds
Conyers	Johnson (SD)	Sisisky
Doolittle	Kennedy (MA)	Souder
Fazio	Meek	Tucker
Flake	Mfume	
Hastings (FL)	Moakley	

□ 1257

Ms. ROYBAL-ALLARD changed her vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during rollcall vote Nos. 674 and 675 on House Resolution 224, I was unavoidably detained. Had I been present I would have voted ''nay'' on 674 and ''yea'' on 675.

The SPEAKER pro tempore. Pursuant to House Resolution 224 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. 2274.

□ 1259

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. 2274) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from West Virginia [Mr. RAHALL] will be recognized for 30 minutes.

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

□ 1300

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

Mr. Chairman, I am pleased that once again the Committee on Transportation and Infrastructure brings to the floor of the House a bill with strong, overwhelming bipartisan support. It is an exciting bill, it is a crucial bill. This bill giving final approval to the new National Highway System will create for America in the 21st century what the Interstate System has done for America in the 20th century.

The new National Highway System recognizes and identifies 159,000 miles which will be the top priority miles for America as we move into the next century of highway miles. While this represents only 4 percent of the total highway miles in America, it represents 40 percent of all the highway travel, 75 percent of truck traffic, and 80 percent of tourism travel.

Indeed, every year we are experiencing on our highways a 3-percent increase in highway travel. If we compound that out, that means every 7 years about a 30-percent increase in highway travel. Beyond that, by the year 2000, we are told there will be a 28-percent increase in truck traffic on our highways. So there is a crucial need for identifying this new National Highway System, giving it the top priority. Of course, the original interstate, the 42,500 miles of the interstate, are the original backbone of this new system.

What we are about here today is building assets for America. Indeed, it is crucial that we pass this, because if we do not pass it quickly and get to conference with the other body, then $6 billion a year will be withheld from our States, money that has to go out to improve our highways.

Indeed, it is critical that we create this new National Highway System for economic growth for America. This system will be the backbone of the transportation system of America as we move into the next century, to move people and products more efficiently, more productively, more conveniently, and more safely.

I might close by sharing with the body something that a young married man who brought his wife to Washington on January 4 of this year, with his little children, said on television. When they asked him why was he here to see the opening of the new Congress, he said, ''I just had to come and see it, because with the opening of the new Congress maybe there will be some changes. Maybe the Congress will get it right.'' Then he went on to say, ''The Federal Government, in my opinion, has not done anything right in the past 20 years.'' Then he paused, and he said, ''except build highways.''

I think across America there is strong bipartisan recognition that we need to build the infrastructure of this country so that this country can remain productive, so that this country can have our people traveling safely on our highways. For all of those reasons, I urge my colleagues to give strong support to this bipartisan legislation.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI], the distinguished chairman of the subcommittee.

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

Mr. Chairman, H.R. 2274 was approved by voice vote by the Committee on Transportation and Infrastructure on September 8, 1995.

The most important provision of the bill before us today is the approval of the National Highway System, a 160,000 mile network of our Nation's most important roads. Although NHS routes comprise only 4 percent of our Nation's public roads, it will carry over 40 percent of our Nation's traffic and more than 70 percent of our commercial truck traffic.

The country has changed dramatically since the Interstate System was laid out more than 40 years ago, and the NHS will move us into the postinterstate era. Approval of H.R. 2274 will ensure continued Federal funding for these vital roads.

H.R. 2274 also provides a comprehensive solution to the reduction in Federal highway funding that each State will experience next year due to section 1003 of ISTEA. According to the latest estimates from the Federal Highway Administration, this reduction could total as much as $3 billion, amounting to a nearly 13-percent across-the-board cut in each program.

Unlike other proposals which have been put forth to address this situation, H.R. 2274 will fully restore funding for programs outside the obligation ceiling by utilizing available budget authority and, through the reprogramming of budget authority, will partially restore funding for programs subject to the obligation ceiling. It also will mitigate the effect of the remaining reduction by allowing States greater flexibility over a certain limited amount of unobligated program balances.

The basic balance of funding control provided by ISTEA is retained in this bill since a State may transfer unobligated balances of urban suballocated funds, which are controlled by metropolitan planning organizations, only with the written concurrence of the metropolitan planning organization for that area. In addition, funds provided to States as part of the section 1003 restoration are subject to the urban suballocation in accordance with ISTEA.

Finally, congestion mitigation and air quality funds must be spent in nonattainment areas, but can be used for any purpose—with all clean air requirements for transportation projects continuing to apply.

In order to ease the burden on States, certain Federal mandates also are repealed, including a repeal of the requirement that States use rubberized asphalt, or crumb rubber, in a certain percentage of Federal-aid highway projects or face the loss of Federal highway funds.

Although a prohibition on the implementation of the penalties has been included in annual appropriations bills over the past several years, H.R. 2274 provides for a permanent repeal. Also, the penalties for failure to implement various management systems are suspended until the reauthorization of ISTEA.

During the committee consideration of H.R. 2274, two amendments were adopted which repeal two further Federal mandates. First, the national maximum speed limit and associated penalties are repealed.

The power to set speed limits will be returned to the States as was the case prior to the energy crisis in 1974. The repeal amendment was adopted by the subcommittee and also was reaffirmed by the full committee by large, bipartisan votes.

Second, an amendment was adopted by the full committee to repeal the current penalties imposed on States which do not enact universal motorcycle helmet laws. Again, it will be left up to each State to determine whether to enact such a law, as was the case prior to ISTEA. This amendment was also adopted by a wide bipartisan margin of 38 to 17.

The remaining provisions in H.R. 2274 are, for the most part, minor and noncontroversial policy revisions or minor corrections to current law. I would note that certain trucking reform measures are also included in the bill which, again, are primarily very limited in scope and provided to certain segments of the trucking industry.

These groups have worked with the committee over the past several months to demonstrate why certain regulations which are aimed primarily at long-haul, over-the-road truckers, may not be appropriate for certain other types of driving activities.

In concluding, I want to thank our ranking member of the full committee, the gentleman from California, NORM MINETA, for the assistance he has provided on this bill and the leadership he has provided to our committee on both sides of the aisle over his years in the Congress and as a senior member of the committee.

As we know, Mr. MINETA will be leaving the Congress next month, although his involvement in transportation issues certainly will be continuing, and in some sense even deepen. His dedication and interest in improving the Nation's transportation system has been of great benefit to our country, and so, while we wish him well in his new endeavor, his departure will certainly be felt, and felt especially deeply on our committee, and by his colleagues.

The gentleman from West Virginia [Mr. RAHALL], the ranking minority member on the Subcommittee on Surface Transportation of the Committee on Transportation and Infrastructure, has once again provided valuable input on the development of the bill before us.

Finally, of course, the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], has been instrumental in providing the critical leadership necessary to advance the national highway legislation. It is imperative that the House approve this bill so the required congressional approval of the National Highway System may be granted, so that the section 1003 restoration and mitigation provisions may be realized by the States, and so other improvements to our transportation programs may be enacted. I urge the House to approve H.R. 2274.

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

Mr. Chairman, I rise in support of this legislation, and I do urge my colleagues to do likewise when it comes to final passage. I join with the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the chairman of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], in commending all the work to bring this legislation together, including that of themselves, for their valuable patience in working with us, and willingness to compromise when such was necessary to move the process forward.

I also pay tribute to our ranking minority member, the gentleman from California [Mr. MINETA]. I shall have more to say about him in a moment, but he has been, of course, one of the fathers of ISTEA, and this bill that we consider today is a product of that legislation.

I say I am in support of the legislation, Mr. Chairman, because even though some of us cannot support every single provision of this bill, when all is said and done, the fundamental purpose of this legislation—the designation of a new National Highway System—is something that must be passed by this body and enacted into law in the very near future.

Yes, we have had our differences on certain provisions of this bill. For instance, it would repeal the national speed limit. I, for one, will be offering amendments to address this issue.

Yet, while I may not agree with what is contained in the committee bill on this issue, it is important to remember that this is a must pass piece of legislation, a number of accommodations have already been made to the minority since the bill was reported by the committee, and that today it is being debated under a free and open process that allows us to continue to pursue our concerns.

This bill is must pass because at stake here is $5.2 billion in Federal highway funds to the States which will cease flowing on September 30th if we do not gain enactment, and an almost $3 billion in highway funds that will be lost due to a budgetary problem.

At the same time, with this bill we are creating in this Nation a new, integrated network of highways, to be known as the National Highway System—the NHS—that will be the centerpiece of the post-Interstate construction era. In effect, what we are talking about here today are the crown jewels of America's highways.

As I mentioned earlier, a number of accommodations have been reached on this bill since it was reported from the committee. As reported, it contained a provision that would have repealed Federal safety regulation of 40 percent of the truck traffic on the roads today. That provision has since been dropped from the bill.

It also originally contained a provision known as the ''trigger'' which would have jeopardized the entire fiscal year 1997 Federal Highway and Transit Program. This provision, at my insistence, and the minority's insistence, has also been dropped from the bill we are considering today.

And again, for those who continue to have concerns over the repeal of the national speed limit, or with the repeal of motorcycle helmet laws, as proposed by this bill, the democratic process is at work here today and we will have ample opportunity to address those issues.

So again, once the debates are ended, I urge all Members to support final passage of this bill.

In closing, I do, once again, commend the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the subcommittee chairman, the gentleman from Wisconsin [Mr. PETRI], for their work on this measure. And I pay special personal and professional tribute to our dear friend, the gentleman from California, NORM MINETA, the ranking Democrat member on our Committee on Transportation and Infrastructure, who will leave this body next month.

The gentleman from California [Mr. MINETA] will be remembered by all of us for the many great things he has accomplished for his constituents and for the Nation as a whole during his service to the U.S. Congress. Today I take just a brief moment to salute him for his diligence to highway safety. His concern is not only for our public infrastructure, but for our environment, our future transportation policy, indeed, for our very future in this country, by ensuring that we have better roads and bridges, and improved safety for the people who travel upon them. NORM MINETA has served as chairman of four of our subcommittees on the Committee on Transportation and Infrastructure, and of course he has served as chairman of the full then Committee on Public Works and Transportation. A prime architect of the Intermodal Surface Transportation Efficiency Act, NORM MINETA has made his mark on the bill before us today as well. It is, again, a measure that we should all support.

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

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

Mr. Chairman, I certainly want to join in recognizing the gentleman from California, NORM MINETA, and the outstanding contributions he has made, not only to this committee and to his State of California, but to the Nation as a whole. I put an extensive statement in the RECORD Monday night relative to our distinguished colleague, and I would commend it to all of my colleagues.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. COLLINS] for a colloquy.

Mr. COLLINS of Georgia. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I have been concerned for some time over the growing shortage of qualified commercial truck drivers in this country. This stems from

VerDate 20-SEP

my own personal experience in the industry, as well as from my service on the Surface Transportation Subcommittee in the last Congress. Estimates are that there are 300,000 drivers needed in the industry per year over the next 10 years.

As you know, several years ago Congress required that any person operating a commercial vehicle must have a commercial drivers license [CDL] issued by his or her State of domicile. According to the Federal Highway Administration, this has had two important impacts on driver training:

First, it has limited the actual behind-the-wheel experience for potential drivers, which is critical to effective driver training.

Second, in addition, if a driver wishes to move temporarily to another State to undergo driver training, he or she cannot obtain either a learner's permit or a CDL because of the domicile requirements previously mentioned.

□ 1315

Recognizing these problems, the Federal Highway Administration issued a Notice of Proposed Rulemaking in 1990 to correct the situation. However, due to more pressing matters, the action was not finalized. I understand that FHWA is now in the process of pursuing the issue, due to increased interest and the need for truck drivers. And I think it is important to note that not only has the Federal Highway Administration recognized the problem; but the industry, represented by the American Trucking Associations has also supported a change.

For the purpose of expediting this rulemaking, I would simply like to ask the chairman whether you believe it appropriate for the Federal Highway Administration to address this issue, particularly with regard to issuing learners' permits.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I would respond to my friend, I certainly do think it is appropriate. The Federal Government has already required issuance of CDL's by the States. I am pleased Federal Highways is addressing this situation, and I fervently hope that they will move very expeditiously on this rulemaking.

Mr. COLLINS of Georgia. I thank the gentleman.

Mr. RAHALL. Mr. Chairman, because he has devoted so much of his career to improved transportation policy in this country, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the ranking minority member.

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

Mr. MINETA. Mr. Chairman, today, two critical problems threaten the Nation's infrastructure and transportation program. First, if Congress does not designate the National Highway System by October 1 of this year, $5.2 billion of transportation funds will not go to the States. Second, because of an arcane budget scorekeeping rule, our highway programs face an estimated 13 percent, or $2.7 billion, cut across the board next year. The bill before the House today addresses both these issues: It designates the NHS and fixes the budget problem.

Mr. Chairman, I did support the bill as reported by the Transportation Committee. During committee consideration of the bill, several controversial safety amendments were adopted. When I considered these amendment, together with provisions already in the bill which were troublesome, I concluded that the bill no longer represented a viable means to designate the NHS and I could not in good conscience support it.

However, since reporting the bill, our committee leadership has worked together long and hard to work out a compromise and refocus this bill on designating the NHS, and I want to particularly commend Chairman SHUSTER, our very fine friend, Chairman PETRI, and the gentleman from West Virginia, Mr. RAHALL, for their long, hard efforts to reach this compromise. We all recognize the importance of this bill and have worked hard to minimize the kind of controversies which could impede its progress, even where that meant accepting policies which were contrary to each of our own positions, but really which were necessary to move the bill forward on a bipartisan basis. The result of all of our efforts has been a better bill.

Like any compromise, if perfectly reflects none of our views. Each of us can say there are many things in this bill we like and things we do not like. For instance, this compromise bill does not include the truth in budgeting provisions which the committee adopted and which I strongly support. These provisions would have taken the transportation trust funds off-budget and rededicated them to their original purpose.

However, this bipartisan compromise bill also does not include the so-called trigger provision which I strongly oppose. The trigger provision would have sequestered fiscal year 1997 highway and transit funds in the hopes of forcing the reauthorization of ISTEA next year. In my opinion, such a provision would break our commitment to the States and needlessly create uncertainty at a time when we should be rebuilding our highways, bridges, and transit systems.

In addition, the reported bill included a provision which I strongly opposed which would have waived all safety standards for commercial vehicles between 10,000 and 26,000 pounds. Under this blanket waiver of truck safety standards, nearly 40 percent of all currently regulated trucks on the road would have been completely exempt from important Federal safety requirements such as driver qualifications and drug and alcohol prohibitions.

However, again working together on a bipartisan basis, the en bloc amendment which the chairman of our committee will offer today includes a somewhat improved version on this issue. Under the new provision, the Secretary of Transportation will establish a pilot program to exempt motor carriers of regulatory requirements only, only if, after normal notice and comment, he finds that the carrier would have safety programs that achieve a level of safety equal to or greater than if they complied with the regulations. While this compromise language is not perfect, and I remain worried about opening the flood gates to truck safety exemptions. I believe that the provision in this en bloc amendment is much improved from its original form in the original legislation.

Despite these many improvements to the reported bill, the compromise bill still includes several controversial highway safety amendments which I adamantly oppose. This bill would repeal the Federal speed limit and allow States to have no speed limit at all if they wished. I would effectively repeal the motorcycle helmet requirement. And it would waive a variety of truck safety standards for specific industries. I believe that these provisions seriously threaten both our Nation's highway safety and the likelihood that Congress will be able to approve the NHS in a timely manner.

Therefore, although I support this bill overall, there are provisions in this bill which I strongly oppose. like the safety amendments, and which I expect the full House will revisit today. As we discuss these safety issues today and amid all the rhetoric about States' rights, let us not forget why we are here: To designate the National Highway System and to fix a budget problem. Let us not allow this bill to include provisions which threaten these important objectives.

If I might also ask of the subcommittee Chair, or the ranking member, indulgence in a little more time, I want to thank again the members of the committee who have expressed their generous comments about my work.

But one thing about the Committee on Transportation and Infrastructure is that it has always been a very strongly bipartisan committee. Whether it is the professional staff or the members, we have always tried to make sure public policy is in the forefront. So I would like to thank everyone for the courtesies that have been extended to me in the 20 years plus that I have been in the House.

I particularly want to commend my good friend, the gentleman from Pennsylvania [Mr. SHUSTER], whom I will miss very much. We have had a long career of working together on this committee. Mr. Chairman, I salute you and thank you very, very much for your working with all of us.

Then of course, to the chairman, the gentleman from Wisconsin [Mr. PETRI],

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who chaired this specific subcommittee, and to my very good friend, the gentleman from West Virginia [Mr. RAHALL]. I will cherish your friendship and your advice and counsel you have given to me over these long years.

Of course, it goes without saying I am going to miss especially my seat mate, the gentleman from Minnesota [Mr. OBERSTAR]. We came together in 1974. We have been very close personal friends. We have both gone through some very troubling times in the House, and we have counseled each other on a personal basis as well as on a professional basis. JIM, I will always hold you very close and dear to me.

Of course, to my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], again, a very, very close and wonderful friend.

So I leave without regret. I am going to miss everyone, but by the same token, I know that this committee will carry on its very fine work. Again, I want to thank all the members of the committee as well as the professional staff for their wonderful work.

Ken House has been with me for all these years, and there is no one who probably knows this title of the United States Code better than Ken House, and he is sort of like a real reference book. Ken, I want to just thank you again for all the hours you have spent and the time I have called you on the phone at 11 at night and bothered you at home, but again, thank you very much, and to all of you, thank you.

Mr. RAHALL. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. BORSKI], the ranking member of our Subcommittee on Water Resources and Environment.

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

Mr. BORSKI. Mr. Chairman, let me first thank the gentleman from West Virginia for yielding me this time, the distinguished chairman of our Subcommittee on Surface Water and Environment, the gentleman from Wisconsin [Mr. PETRI], our colleague, the gentleman from Pennsylvania [Mr. SHUSTER], our outstanding ranking member of our committee, the gentleman from California [Mr. MINETA].

Let me simply say, Mr. Chairman, that the gentleman from California [Mr. MINETA] has been a great leader of this committee and in this Congress and a great American. I shall remember forever all the excellent work that was done on the ISTEA legislation a few years back, the long hours, the difficult hours, and difficult issues. We got a piece of legislation through that this country can be very proud of, innovative, advancing our transportation system, and it would not have happened without the strong leadership of the gentleman from California [Mr. MINETA].

I shall also miss him as the ranking member, and while we had great successes with the ISTEA legislation on this side of the aisle, our successes were not so great in the Clean Water Act, but his leadership and friendship and guidance on that bill were extremely important to me and valuable to this process, and I shall miss him very, very much. I wish him great success in all he does, and I know he will be extremely successful.

Mr. Chairman, it is absolutely critical to our Nation's transportation system to have the National Highway System designated so that the States can have their fiscal year 1996 NHS funds.

I fully and strongly support the designation of the National Highway System.

I also believe we must correct the 10–0–3 problem that will result in an unfortunate reduction in the Nation's Surface Transportation Program.

However, the bill that is before us does much more than those two essential actions.

This bill is being used as a backdoor means of rewriting the compromises that made the Intermodal Surface Transportation Efficiency Act of 1991 a major breakthrough in transportation policy.

I am concerned that this bill is anti-urban, anti-metropolitan and anti-environment.

In recycling funds to solve the 10–0–3 problem, the bill provides another avenue for States to pressure MPO's into allowing STP funds that are attributed to that area to be used outside that area. What is the purpose of this attempt to rewrite the carefully constructed ISTEA compromise?

The bill also allows Sea-Mack funds to be used for purposes other than to meet air quality standards or to provide air quality benefits, which is the requirement under current law.

We can solve the 10–0–3 problem without rewriting ISTEA, without changing the rules for using the STP money and without setting up new procedures to transfer money out of metropolitan areas.

I am also concerned about section 301 which makes a larger cut in operating assistance for large transit systems than for smaller transit systems.

If we are going to cut operating assistance, then all systems should bear this cut equally.

The provision is unfair to the riders of metropolitan area transit systems who pay their fares just like the riders of the smaller systems.

Unfortunately, it appears that the critics of transit operating assistance believe the cuts should only come from certain systems, not all systems.

This bill makes it harder for metropolitan areas to solve their transportation problems. Transit operating assistance will be cut, resulting in higher fares and less service which will force people off the transit systems and into their cars.

Then we are allowing STP money to be transferred out of the urban areas and allowing congestion mitigation money to be used for other purposes.

These changes are unnecessary retreats from the first-ever recognition in ISTEA of the special needs of metropolitan areas.

These changes are bad transportation policy.

Mr. Chairman, these provisions raise important questions about the direction of our national transportation policy. I hope that some—or all—of these problems can be corrected as the bill works its way through the process.

□ 1330

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. ROSE].

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

Mr. ROSE. Mr. Chairman, I thank the gentleman from West Virginia [Mr. RAHALL], the ranking member, for yielding this time to me, and I just want to compliment the chairman and the members of this committee for this bill.

The section in this bill that deals with identification of high-priority corridors specifies a route of Interstate 73 and Interstate 74 through North Carolina that is the culmination of a tremendous amount of work that has been done by Members of Congress and especially the North Carolina Board of Transportation. It could not have happened without the good ear and the good help of the full committee, the chairmen of the subcommittee on both sides of the aisle, and I want to thank them and urge my colleagues to strongly support this legislation.

Mr. RAHALL. Mr. Chairman, I yield 6½ minutes to the gentleman from Minnesota [Mr. OBERSTAR], the current ranking minority member on the Subcommittee on Aviation, and any day, or any hour now, to be the new ranking member of our full committee.

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

Mr. OBERSTAR. Mr. Chairman, I rise in support of this bill. I shall vote for the bill on final passage, notwithstanding the outcome of votes which we will have on highway safety issues.

I want to make it very clearly I urge all Members on our side, all Members of the House, to support this legislation. I want to compliment the gentleman from Pennsylvania [Mr. SHUSTER] on his first highway bill, not exactly his first highway bill, but his first as chairman. He has been a partner with us on this side of the aisle for many years as we have crafted highway legislation. He has been a partner in developing what is the world's finest highway system bar none anywhere, in any country, and I know that his continued vigilance and enthusiasm for the highway program will ensure that we stay on track of maintaining the Nation's portfolio of highways, bridges, and seeing to the future growth needs of America which are founded upon our Nation's highways and bridges.

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Nonetheless, Mr. Chairman, I do have some reservations about this legislation. It is in vogue in this 104th Congress to turn responsibilities back to the State or to give States new responsibilities, but the highway program is unique. On the interstate highway; 90 percent of the funds are Federal, 10 percent State. The noninterstate, 80 percent with matching funds provided by the State or local governments. The Federal Government raises the money, but States decide where the roads go, except for the Interstate System, which was thrashed out at the national level in consultation with State governments, and we are at the same point again, designating the post-Interstate Highway System, the National Highway System.

Unfortunately, however, Mr. Chairman, I think this legislation surrenders more authority to States for decisions on highways than is proper, than should be the appropriate balance of Federal and State responsibilities and one of the reasons Members over the last 10 years have come to the chairman and ranking member on the former Committee on Public Works and Transportation, now Committee on Transportation and Infrastructure, with complaints, is that States have not been responsive, sufficiently, to local concerns.

They say: ''This highway or high-priority item in my district is not being built.'' The fundamental reason was the State made a decision not to do it or not to do it for 10, or 15, or 20 years, and ultimately we took on the responsibility of including in national legislation specifically designated highway segments that were of national significance and said to the State, ''You shall build these segments.'' I think in a couple of years we will be back here again with complaints from Members saying the Governor, or the State Highway Department, is not responsive to my constituents. They are not building the roads that are high priority, necessary for economic growth, progress, not repairing the bridges, and would we, please, put something in the highway bill to do it, or they will go to the Committee on Appropriations and ask them to do it.

Mr. Speaker, that is the reservation I have about this bill as a policy matter, and I hope that in time we will address that matter and focus more authority at the national level as I think Members should have input because, after all, these roads go through our districts, serve our constituents, our communities, our local economic growth.

The other concern that I have about the legislation, and I will offer an amendment to deal with it, is the safety issue. This amendment will focus on gathering information. It is not a new mandate. It is not a new requirement. It does not require any cost of the States. It does not take money away nor give them incentives to do anything. It just says, ''Gather information with the tools you already have about crashes, who pays, who gets hurt in crashes, how long are people hospitalized, what are the economic consequences locally, what are the consequences for health care providers.''

Mr. Chairman, if we are going to take actions to diminish national highway safety standards, then the public ought to know what the consequences are, and we ought to have that information gathered so that at the appropriate time we can make the right policy judgments on highway safety.

Before concluding though, Mr. Chairman, I wanted to take this opportunity to pay very special tribute to our departing former chairman, the current ranking member, my friend, my seatmate of nearly 21 years, the gentleman from California [Mr. MINETA]. We unveiled his portrait in the Committee on Transportation and Infrastructure on Monday evening. There was a beautiful outpouring of praise. At the appropriate time I shall have that included in the CONGRESSIONAL RECORD because those words need to be memorialized. There is no person of greater integrity, commitment to public service, commitment to duty, commitment to fellow legislators, than the gentleman from California [Mr. MINETA]. He has been a personal friend, a professional friend, a person impeccable integrity who leaves an aura of great distinction upon this body.

Mr. Chairman, when asked, on the day he made his announcement of leaving the Congress, what he would like to be remembered for, the gentleman from California [Mr. MINETA] simply said, ''For all the people in my district, that I never forget their names.'' There is no greater example of public service and of caring for people than that remark or than this person, my friend, Mr. MINETA.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. BARTLETT], my congressional neighbor.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, a sharply worded Cumberland Times editorial about U.S. Route 220 in western Maryland hit the highway nail right on the head: I quote: ''U.S. Route 220 North is arguably the most dangerous stretch of highway in the (tristate) area * * * (its) s-curves make the road an obstacle course fraught with danger.'' In addition to highlighting the frightening hazards of 220's 3-mile twist in Alleghany County, the Times editorial rightfully noted the value of an improved Route 220 to the economic development of a region ripe with promise and perfect for business growth. The inclusion of Route 220 as a designated highway in our national roadway network will serve as the foundation upon which the region can build a better 220 and, consequently, a brighter tomorrow for all those dependent upon it.

Before today, any substantial discussion in western Maryland about the overall economic development of the tristate region was hindered by a lack of regionwide attention to—and funding for—Route 220.

With this comprehensive bill and thanks to the effective leadership of Committee Chairman BUD SHUSTER and Maryland's State Highway Administration, we're seeing Route 220 get what it certainly deserves: a designated place in our National Highway System. The measure before the House today appropriately includes the full stretches of Route 220—in Maryland, Pennsylvania, and West Virginia—as key highway links in the National Highway System.

As a result, planned improvements for Route 220 will receive Federal funding priority. In the long history of Route 220, this is good news, very good news.

The improvement of Route 220 north of Cumberland is not only important to Maryland but also to our neighbors in Pennsylvania and West Virginia. Route 220 continues into these States from Maryland. Maryland—under the impressive guidance of Transportation Secretary David Winstead, Highway Administrator Hal Kassoff, and House Speaker Cas Taylor—has authorized funding for right-of-way acquisition. Construction targets for Maryland's section of the road are within reach. For Route 220 to realize its full potential, it is imperative—as Speaker Taylor as consistently noted—that West Virginia, Maryland, and Pennsylvania join forces to make Route 220 an asset to the region rather than a hurdle to development and safety.

Improvements to Route 220 in any one of the three States must be matched by corresponding improvements to Route 220 in the others. I believe that this legislation is a terrific catalyst for such change, cooperation, and progress.

I look forward to the continuation of a Route 220 coalition dedicated to the completion of 220 improvements throughout the tristate region. I will soon be meeting with my colleagues from West Virginia and Pennsylvania in an effort to lend whatever assistance we can to the project.

At this juncture—and on behalf of those who share our interest in Route 220—I want to commend Chairman SHUSTER and urge the House to adopt the National Highway System language as detailed in the bill.

The State of Maryland has advised me that more than 7,500 vehicles face the Route 220 minefield daily. That number is predicted to double by 2015. In the name of safety and for the benefit of the region, it is essential that we give Route 220 the attention it deserves and the backing it needs to become a reality rather than a roadblock to progress.

I also want to thank Subcommittee Chairman TOM PETRI for his assistance in redesignating $440,000 in unused funds from Route 48 in Washington County for use in the I–70/I–270 interchange project, another very important project in our district, as part of H.R. 2274.

Frederick County is one of Maryland's fastest growing communities. Yet, the Frederick

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area is virtually the last place in America where major criss-crossing interstates lack complete, accessible, and safe connecting interchanges and sufficient highway feeder networks. Construction of the I–70/I–270 interchange is one of the highest priorities in the State of Maryland. The release of this $440,000 will help accelerate the work on phase I of this critical highway improvement project. This is one more step to ensure that Frederick County can remain an active force in the growth of the State's economy and that of the entire western Maryland region.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. MASCARA], a new member of our committee, one who has rolled up his sleeves and is ready to go to work on these issues.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MASCARA] is recognized for 1 minute and 30 seconds.

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

Mr. MASCARA. Mr. Chairman, I would like to thank the chairman of the Committee on Transportation and Infrastructure, Mr. SHUSTER, as well as the ranking members, Mr. MINETA and Mr. RAHALL, for their hard work in bringing this important legislation before the House of Representatives today. With the September 30 deadline fast approaching for congressional approval of the National Highway System as required by ISTEA, I support House passage of the NHS designation bill—H.R. 2274.

It is important to point out that whatever feelings Members may have regarding certain amendments which were added or rejected during the Transportation Committee's markup or ones to be considered here today on the House floor; designation of the National Highway System is the most important part of this bill and the fundamental reason why the House should pass H.R. 2274.

Before coming to Congress, I served as chairman of the Washington County Board of Commissioners for 15 years and was actively involved in promoting transportation and economic development projects in southwestern Pennsylvania. One of my main objectives as a local elected official was to create jobs through the promotion of sound economic growth. My experience has taught me, as studies all over the world have shown, that there is strong correlation between quality transportation systems and economic growth. For our nation to succeed, both domestically and in the international market-place, we need a top quality transportation system. The designation of the National Highway System is a vital step in the process to achieving a modern, integrated transportation system for the next century.

I also know how important it is to hundreds of local economies throughout the country that there be no delay in delivering Federal transportation dollars—not to mention the hundreds of companies and thousands of construction workers that could be adversely affected if the National Highway System is not designated on schedule.

States and localities all across this country have complied with Federal transportation regulations in formulating their States' plan. State DOTs have their transportation projects ready for construction. Let us do our job, let us make sure that we pass H.R. 2274 and literally keep the country moving in the right direction.

Than you again to Chairman SHUSTER, ranking member Mr. MINETA, who I might add will be sorely missed from our committee, where he served as chairman during the 103d Congress and as a distinguished member of the House of Representatives as he moves on to life after politics. Also thank you to Surface Transportation Subcommittee chairman Mr. PETRI, and ranking member Mr. RAHALL for their diligent work on this legislation and I ask that all my colleagues support passage of H.R. 2274.

□ 1345

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

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

Mr. KIM. Mr. Chairman, I rise in strong support of this House Resolution 2274, and I would like to enter into a colloquy with the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure.

Mr. Chairman, I plan to offer an amendment that lets States use the advance construction mechanism during the final year of multiyear authorization. Advance construction allows States to begin a highway project with the State's own funds and then apply for reimbursement from future allocations.

I would like to point out that this does not commit the Federal Government to reimburse the project. It simply allows the State to apply for reimbursement. As the chairman knows, many States rely heavily upon advance construction programs. California, Florida, and many other States, including Pennsylvania, all commit over 75 percent of their annual highway apportionments through advance construction programs. Yet, because of a limitation we have under the current law, States cannot use their own money and then later ask for reimbursement in the last year of authorization. This is ridiculous.

I have been told, Mr. Chairman, that California will have to delay almost $500 million in projects over a year because of this provision.

I should also point out that my amendment is nothing new. In the past States were allowed to use advance construction programs at the end of a multiyear authorization. In fact, the advance construction law from 1987 to 1990 was almost identical to the amendment I plan to offer today. My amendment would simply restore this provision, which is badly needed in States like California, Florida and other States.

Mr. Chairman, even the Senate recognized this problem and included an advance construction provision in their language in their NHS bill. Their language is about the same as mine.

I am willing to withhold my amendment Mr. Chairman, because of the commitment of the gentleman from Pennsylvania [Mr. SHUSTER] to work with me in conference and perfect a set of language, and I thank the gentleman.

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

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

Mr. SHUSTER. Mr. Chairman, I thank the gentleman and wish to say that Congressman KIM has certainly been a leader on our committee in bringing focus to many important issues, including this one about advance construction.

Mr. Chairman, I understand it is a very important issue in California and other States. Indeed, without the provision, California could be forced to delay hundreds of millions of dollars. I do not believe it was the intent of Congress to cause such a delay, and I will be pleased to work with the gentleman in conference with the Senate to perfect this language. The Senate does have language, and I believe that we will strongly support it.

Mr. KIM. I thank the gentleman.

Mr. POMEROY. Mr. Chairman, I rise today in strong support of this bill to designate the National Highway System [NHS].

When Congress passed the Intermodal Surface Transportation Efficiency Act [ISTEA], it directed the Federal Highway Administration to develop a national highway system prioritize our Nation's roadways. In these times of shrinking Federal budgets, our Nation must focus highway funds on our most heavily traveled roads. This bill to designate the NHS fulfills that objective.

Mr. Speaker, by improving the Nation's most important transportation routes through the designation of the NHS, we can sharpen our competitive edge in international markets. In North Dakota, our farmers rely on high quality transportation routes to remain the most competitive producers in the world. To preserve and improve our competitive edge in agriculture, we must designate commodity transportation routes as national priorities. Again, the NHS bill accomplishes that goal.

In addition to designating the NHS, this bill returns to the States important decisionmaking authority over transportation policy. An example, is the provision in the bill to repeal the Federal speed limit. I am an original cosponsor of legislation to repeal the Federal speed limit, and I am pleased it has been included in H.R. 2274.

I believe that the individual States are in the best position to establish safe and appropriate speed limits based on local driving conditions. In North Dakota, we certainly enjoy more than

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our share of wide open spaces. A speed limit that may be appropriate for the congested Northeast corridor is not at all suitable for the Great Plains. A simple and proper remedy is to allow the States to decide.

Today, Representative LOWEY will offer an amendment which would require States to enact zero tolerance, laws that would make it illegal for underage drivers to drive with a blood-alcohol content of .02 or higher. Under the Lowey amendment, failure to enact a zero-tolerance law would result in the Federal Government withholding 5 percent of highway funds in 1999 and 10 percent thereafter.

While I understand and support the intent of the Lowey amendment, I strongly object the imposition of a heavyhanded Federal sanction to achieve that end. I would certainly join with Representative LOWEY in encouraging States to adopt tough, strict drunk-driving laws. However, I do not believe that the Federal Government should dictate legislation to the States under threat of Federal sanction. The Lowey amendment is inconsistent with the bill before us today which repeals Federal sanctions and returns power and decisionmaking authority to the States. Therefore, I reluctantly, yet strongly, urge my colleagues to oppose the Lowey amendment and support this bill to designate the National Highway System.

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in strong support of H.R. 2274, legislation designating the National Highway System [NHS]. This legislation not only designates the NHS as established as part of ISTEA, but it makes a number of important policy changes.

I am particularly supportive of this legislation because it recognizes the importance of Interstate 35 as a high priority corridor. I–35 is the only interstate in our Nation that connects Canada, Mexico, and the United States. I–35 is particularly vital to my district of Fort Worth and my home State of Texas because it serves as our main corridor of trade with Mexico.

In 1993, our country ratified the North American Free Trade Agreement. This was the first step in improving our economy and strengthening our trading relationship with our neighbors to the North and South. However, the passage of NAFTA was only the first step. The responsibility of the Congress did not end with that historic vote. We must now act collectively to make the most of NAFTA by developing an infrastructure that maximizes the benefits of this agreement.

One of the ways that we can accomplish this is to create a NAFTA Superhighway System. This concept continues to gain momentum around our Nation as an alternative to effectively and efficiently move cargo from point to point and from country to country. By recognizing the key arteries of trade in our Nation and utilizing the latest transportation technologies available, we can make great strides in ensuring that products manufactured in the United States reach their destinations in Mexico and Canada as quickly and as cheaply as possible.

The system that I and a number of my colleagues envision as providing the greatest economic benefit is one that uses I–35, from Laredo, TX to Duluth, MN as the trunk of a NAFTA superhighway system tree. From this trunk, the system will reach out like branches to the North and South, East and West. This option would tie together the major economic centers of our Nation with Canada and Mexico and ensure that all parts of our country benefit from international trade and NAFTA.

Mr. Chairman, I want to applaud our colleagues on the Transportation and Infrastructure Committee for recognizing the importance of I–35 to the continued economic growth of the United States. I look forward to continuing to work with them and all the Members of the House on doing all that we can to realize the benefits of international trade and NAFTA.

Mr. LATOURETTE. Mr. Chairman, I rise today in support of H.R. 2274, the National Highway System Designation Act.

I commend Chairman SHUSTER and Chairman PETRI, as well as their hardworking staffs, for their tireless efforts in bringing a bipartisan bill to the floor which not only reauthorizes the NHS but addresses funding shortfall problems which, if not corrected, will fall on the backs of our States.

The other day a reporter, during an interview about the NHS, mentioned to me that the NHS bill was, according to her editor, not very exciting. While roads and bridges do not necessarily equal the gripping drama of the O.J. Simpson trial or a Clint Eastwood movie, the NHS is essential to each and every person in this country.

The NHS represents some of our Nation's most heavily traveled byways, and while only containing 4 percent of U.S. roads, supports 40 percent of total vehicle travel and 75 percent of heavy truck travel. More importantly to anyone who travels our roads, the NHS means safety for travelers. Improvement of NHS routes, including widespread lanes and shoulders, controlled access and divided lanes, will help reduce accidents and fatalities. The NHS will help alleviate congestion on crowded urban highways. Also, it should not be overlooked that adoption of the NHS will not increase taxes. The funding will come from existing highway user-fees deposited in the Highway Trust Fund.

While this legislation corrects many problems and gives States flexibility, it successfully fixes the 1003(c) problem. This problem is the result of highway spending exceeding the estimates placed into ISTEA. If not corrected, 1003(c) will result in an estimated $4.2 billion in highway funds being cut from State apportionments in fiscal year 1996. For Ohio alone, not solving 1003(c) would mean a loss of $98.8 million. Additionally, for Ohio and other minimum allocation States, this legislation effectively addresses this issue.

Although taking transportation trust funds off budget is not in the bill we are debating today, I wanted to take this opportunity to commend the leadership of Chairman SHUSTER and ranking member MINETA, in addressing this issue. They have set the stage for this essential measure being brought before the House so we can decide this issue once and for all.

H.R. 842, legislation which will take transportation trust funds off budget, will put the trust back in the trust funds. In my State of Ohio, the Ohio Department of Transportation reports that we send about $1 billion in Federal motor fuel taxes to Washington annually. Last year, however, Ohio got back only $600 million of that money in Federal highway funds. What happened to the rest? Of the remaining $400 million, $345 million of Ohio gas taxes went to pay for the Federal deficit, while the remaining disappeared into what ODOT has termed ''a bureaucratic black hole inside the beltway.'' This trust fund was created to keep funds for transportation projects around the country. Previous Congresses have abused the transportation trust fund as a smokescreen for their overspending in the general fund. I commend the Transportation and Infrastructure Committee for their commitment to put an end to these budget shenanigans.

Finally, I would be remiss if I failed to add my voice to the many others who have commended ranking member NORM MINETA. As a new Member of Congress, I have come to have the utmost respect for Congressman MINETA's insight, arguments and bipartisan handling of transportation issues. My regret is that his departure from this body will deprive our number of great wisdom. I shall greatly miss his presence and wish him nothing but the best.

Mr. Chairman, I urge all of my colleagues to support H.R. 2274.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise today in support of the provisions of my bill, H.R. 2144, the hours of service exemption provisions, that have been included in the manager's amendment to the National Highway System legislation.

The hours of service requirements have severely restricted the ability of utility providers and others from performing their jobs. While the regulation had the good intention of improving safety for long-haul, transcontinental motor freight carriers, the regulations applied to all drivers of all vehicles that exceed a certain weight, irrespective of how the motor vehicle was employed. Many trucks and heavy equipment belonging to utility providers fell under this regulation. It imposed operational hardship on utility providers and also affected consumers.

In the case of utility vehicle drivers, most of the on-time duty is actually spent repairing utility lines and poles—not driving. However, because of the hours of service regulations, the driver is often prohibited from driving after being out on a major repair call. In addition, this regulation causes a paperwork burden for utility companies in order to comply with it.

The bottom line is this regulation can have an adverse effect on many important services. Being from a cold-weather State, I know the kind of damage ice and wind can have on utility poles and lines during the winter months. Unfortunately, the regulations prevent utility companies from using the summer months to rebuild lines and prepare them for the harsh winter. This ultimately affects the price and quality of utility service.

Under the NHS bill, utility providers would be permitted to have their limit on maximum driving and on-duty time be reset whenever they have an off-duty period of 24 hours. I believe that this is a step in the right direction. And after speaking with my Nebraska utility providers, they are pleased with this provision. They feel that this exemption will help them provide better service and prices to their customers.

I'm pleased with the attention the hours of service regulations have received. I would like to thank the Transportation Committee and my colleagues for their support of these exemptions and call on Congress to continue to work to make these and other regulations more sensible.

Mr. DELAY. Mr. Chairman, I support this National Highway System designation bill and urge all of my colleagues to vote in favor of

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this important legislation. This bill that we will pass today represents a major step in the right direction for further establishing highways as a national priority.

There is a provision in the bill that I am very interested in and remain committed in moving forward. That provision is the I–69 interstate highway project. This national highway is not only important because of the potential benefits for my district, but for all of Texas and the Nation as well.

The bill contains provisions that designate I–69 as a high priority corridor. There is also a provision that establishes I–69 through Houston, TX.

In my district, the development of the I–69 corridor will enhance mobility. Development of the I–69 corridor will assist in the widening and improvements along the Southwest Freeway from Rosenberg to Houston.

Interstate 69 will be truly multi modal linking highway, rail, air, and ports together like a network. The Texas gulf ports, for example, represent a massive source of wealth for the entire State. Together they generate $40.9 billion in trade—in 1993. I–69 provides for the continued growth of the port facilities and provides high quality interstate access to the trading centers throughout the Midwest and the Northeast.

I support designation of the I–69 corridor in the NHS legislation. I also support the Federal participation in I–69's locational study efforts. I will also support in any way that I can the Texas Department of Transportation's efforts to accelerate this planning and construction process for the I–69 corridor.

As cochairman of the I–69 caucus, I believe that the development of the I–69 corridor will induce regional development and begin a process of uniting States and counties into a trade/distribution market with benefits accruing to the I–69 region and the entire State where I–69 traverses.

This process begins with the development of the infrastructure—the development of the I–69 corridor. With increased trade with Mexico, the potential economic benefits gained by the completion of the I–69 corridor are tremendous.

Mr. Chairman, I have merely scratched the surface with regards to the benefits I–69 will provide for the future of Texas and to the Nation. I urge my colleagues to vote in favor of this important highway legislation.

Ms. JACKSON-LEE. Mr. Chairman, as the House debates the National Highway System designated, I would like to commend the members of the Transportation and Infrastructure Committee on the bipartisan manner in which this legislation was written. Throughout my career in public service, I have worked very closely with transportation issues and I understand the impact that Federal highway programs have on everyone's daily lives.

Understanding the importance of a strong infrastructure, I am very pleased that this bill begins the process of funding Interstate Route 69, the Mid-Continent Highway. This superhighway, which will run from Mexico to Michigan will be a gigantic boost to our Nation's economy. With the increasing levels of commerce in North America due to the North American Free-Trade Agreement, a roadway that traverses the continent would be essential to helping the agreement reach its full potential.

The highway will help create thousands of jobs, improve industrial productivity, and reduce transportation costs. The prosperity of our Nation is directly linked on our ability to move people and goods efficiently. I applaud the committee for their support of Interstate 69 and look forward to continuing the process to bring the dream of this highway to fruition.

Mr. RADANOVICH. Mr. Chairman, as this House considers H.R. 2274, the National Highway System Designation Act, it continues to engage in a long standing debate on the broader issue of Federal mandates. As is found in the content of H.R. 2274, previous legislation of the 104th Congress has established a theme consistent with the main tenets of the 10th Amendment to the U.S. Constitution which states ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

The basis for which Chairman BUD SHUSTER's able leadership should be commended is in his clear commitment to the 10th amendment and to those efforts designed to empower the States and the people. Therefore, with the chairman's input, H.R. 2274 recognizes that individual States have unique needs and priorities that they are best suited to address. In addition, the legislation cuts the Federal seatbelts that attempt to harness individual citizens from dangers best determined by themselves.

There is no better example of Federal mandates being inconsistent with the Constitution than that of Federal statutes which require that States pass laws requiring the use of motorcycle helmets or face reduced highway funding. The history of motorcycle helmet laws stems from the 102d Congress and 1991 legislation that rings with Federal bureaucracy: The Intermodal Surface Transportation Efficiency Act [ISTEA]. ISTEA penalizes States that do not enact motorcycle helmet and auto seat belt use laws by withholding up to 3 percent of their highway construction funds. The Motorcycle Riders Foundation has eloquently countered the faulty wisdom of these infallible laws in stating:

> Helmet laws raise very personal and emotional issues for motorcyclists. Issues like: adults being responsible for themselves; freedom of thought and expression; the government telling citizens how they must appear in public—a helmet is a piece of apparel; a person being forced to place an item on their body which they feel is not in their best interest and; the appropriate level of government control of and intervention into personal behavior.

I could not agree more with this rational position. This is why I am a cosponsor of H.R. 899, a bill to eliminate the penalties for noncompliance by States with the program requiring the use of motorcycle helmets. Chairman DON YOUNG, who presides over the Resources Committee of which I am a member, introduced this legislation to widespread support. Such support is most telling when recognizing that 202 Members have to date cosponsored the bill.

On this issue, let us heed the advice of the States and individual citizens who best understand transportation issues. And while the founder's of this country may not have envisioned automobiles or motorcycles they did have it quite right when they yielded to the principle that local issues are best solved by the insight of locals.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 2274, the National Highway System Designation Act.

Mr. Chairman, this Member would begin by commending the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure, as well as the distinguished gentleman from California [Mr. MINETA], the ranking member of the committee, for their work on this bill.

This Member would also like to direct commendations to the distinguished gentleman from Wisconsin [Mr. PETRI], the chairman of the Surface Transportation Subcommittee, and the distinguished gentleman from West Virginia [Mr. RAHALL], the ranking member of the subcommittee for their exceptional work on bringing this bill to the floor.

Mr. Chairman, it's been said that if you don't know where you're going, any road will get you there. This Member is pleased, however, that this legislation not only gives direction to the surface transportation needs of the future, it also designates which roads will get us there. The National Highway System will provide a blueprint for this Nation's highway needs by identifying the roadways most important for defense, commerce, and travel.

This Member is pleased that the National Highway System includes a number of routes which are of great importance to Nebraska. Of particular significance is the inclusion of a generalized representation of a new connector route linking Highway 20 to the expected site of the new Newcastle area-Vermillion bridge over the Missouri River. The exact route will be finalized following more careful study.

The addition of this route was included due to this Member's recommendation and the approval of the Nebraska Department of Roads. The bridge and its access road will serve as a connector for one of the major north-south routes across Nebraska. This Member has long expressed concern that an adequate access road be provided for this project. It is also encouraging that State Highway 2 and U.S. Highway 81 in Nebraska are designated as components of the National Highway System.

Another important addition to the National Highway System is the highway mileage for what will eventually be a south and east bypass around the city of Lincoln, NE.

The current transportation network in Lincoln, NE, a city of nearly 200,000, is under stress and the implementation of a new transportation system must be studied. The approach which seems to make the most sense is the completion of a circumferential roadway system by the development of highway segments south and east of the city. This completed circumferential roadway would help meet current needs and accommodate future growth before such highway development becomes prohibitively expensive. Completion of a beltway highway for Lincoln has been discussed for more than three decades and the need to implement such a plan becomes more apparent each year.

A recent city of Lincoln task force looking at the possibility of the beltway determined that the development of such a system would be a crucial component of the regional transportation network which would accomplish the goals of moving traffic around congested urban areas and providing for an expanded capacity of the urban system.

This Member would also like to stress that he has received written assurances from the city of Lincoln and the Nebraska Department of Roads that the current National Highway System designations are surrogate or temporary designations that will be replaced by new route designations when the bypass study identifies the desired route locations. This Member is voting for this legislation with that understanding.

This Member would further stress that the eventual corridor designation must be exclusively outside the city limits of the city of Lincoln. Although the study will determine the optimal corridor zone, this Member would like to reiterate what he stated before the Committee on Public Works' Subcommittee on Surface Transportation on March 8, 1994. This Member believes it would be preferable to locate the eastern segment on or between 96th and 134th Street and the southern segment on or between Yankee Hill Road and Saltillo Road. With respect to the southern route, this Member believes the corridor should be located no farther north than Yankee Hill Road and possibly south of Saltillo Road.

This Member is also very pleased that the bill includes a provision he introduced to provide regulatory relief for farmers and farm retailers. The provision specifies that regulations regarding maximum driving and on-duty time for motor carrier drivers will not apply to agricultural drivers transporting agricultural commodities or farm supplies within a 100-mile radius during the planting and harvesting seasons, as determined by each State.

The need for this change is obvious—each year farmers and their suppliers must be prepared to move quickly and work long hours when the weather permits. During certain weeks of the year, there is a small window of opportunity in the crop planting and harvesting season when the demand for farm supplies escalates. Unfortunately, this demand runs headlong into the Department of Transportation's regulations for the number of hours a driver can be ''on duty.'' To address this problem, this Member introduced H.R. 526, which exempts farmers and retail farm suppliers from these requirements when operating within 100 miles of their farms or distribution points.

DOT's hours-of-service regulations are highly impractical, burdensome, and costly for farmers and farm suppliers because the law can require them to take 3 days off—at the peak of agricultural production—and wait in order to accumulate enough off-duty time to resume driving. This is because DOT regulations define ''on duty'' time as ''all time from the time a driver begins work or is required to be in readiness to work until the time he/she is relieved from work.''

The hours-of-service regulations are directed toward long distance truck drivers. However, they also apply to the local distribution of farm input materials even though driving is incidental to the farm supplier's principal work function of servicing farmers. Over 80 percent of our Nation's farmers utilize farm suppliers to help them cope with environmental regulations; develop, implement, and manage precision agriculture; and harvest profitable crops that produce safe, abundant and affordable food for Americans and the world.

A specific exemption is certainly not without precedent. DOT has already recognized that the on-duty time of certain occupations is subject to special demands and DOT has granted seasonal waivers from hours-of-service requirements for small package delivery drivers during the holiday season and for the oil and natural gas industry. Farmers and farm suppliers engaged in the transport of fertilizer and fertilizer materials, agricultural chemicals, pesticides, seed, animal feeds, crops, and other essential farm supplies also deserve regulatory flexibility.

As harvesting season draws closer, the agricultural community will once again be confronted with the hurdles presented by the unreasonable hours-of-service requirements which were obviously not designed to accommodate the special circumstances faced by farmers. This legislation resolves the problem in a responsible manner.

Mr. Chairman, H.R. 4385 addresses the current and future highway needs of the United States and this Member urges his colleagues to support the bill.

Mr. ROGERS. Mr. Chairman, I rise in strong support of H.R. 2274, the National Highway System Designation Act. I commend the Transportation and Infrastructure Committee for the leadership and commitment it has displayed time and again to creating a strong, viable transportation infrastructure to foster our Nation's economic development.

Infrastructure is the key to economic development, particularly in rural areas like mine. Without continued commitment to an adequate road system, the economies of areas like Southern and Eastern Kentucky will fail to improve. The National Highway System fulfills this commitment.

My district, located in the heart of Appalachia, continues to be poor relative to the rest of the Nation. Most of the area is located among mountainous terrain which, for years, has hindered access to my communities, resulting in geographic and economic isolation. Moreover, the mainstay of many of these counties' economies—the coal industry—has fallen on rough times, resulting in hardship that can only be reversed through investments that take many forms. One form of investment, highway infrastructure, may be the single most important to our future.

Therefore, I am delighted to see Southern and Eastern Kentucky has a strong presence on the National Highway System, a system that will serve us into the next century.

I commend the U.S. Department of Transportation and the Committee for recognizing the needs of my region. I strongly support their recommendations to designate several corridors in Southern and Eastern Kentucky as part of the proposed National Highway System. These corridors include: U.S. 27; I–75; the Daniel Boone Parkway and KY 80; U.S. 25 E east of I–75; the Mountain Parkway and its extension, KY 114; KY 15; U.S. 23; U.S. 119; and, U.S. 460 from Salyersville to Paintsville, KY.

Further, I commend the committee using this legislation, H.R. 2274, to take the next critical step forward on the East-West Transamerica Corridor—I–66. I thank the committee for working with me to designate the I–66 route from Virginia to Kansas, and for including provisions to designate of the Kentucky portion of the corridor through Eastern and Southern Kentucky.

Mr. Speaker, this legislation signifies a commitment to the transportation and economic development needs of this Nation. I urge all Members to support H.R. 2274.

Ms. DELAURO. Mr. Chairman, I think as we look at how this House should conduct its legislative business, that the bill before us today, the highway bill, should serve as a model. And, I commend members of the committee and the Republican leadership for allowing a full and thorough discussion of this legislation and all its implications.

The discussion of the highway bill has been ongoing for 7 months.

The first legislative draft was presented in August, giving members ample time to read it before the bill was introduced on September 7.

Finally, the committee held 6 days of public hearings on the highway bill, allowing the public to review the legislation and, more importantly, to allow the public to comment and testify on the legislation.

Unfortunately, the manner in which this legislation comes to the floor, stands in stark contrast to another piece of legislation in committee, regarding a $270 billion cut.

Instead of a month to study the legislation before it goes to the committee for a vote, the majority party will present its proposal for Medicare today and expect Members to be fully briefed for the hearing tomorrow.

Instead, of the 6 days of hearings that the highway bill received, legislation to radically alter the health care system that services 37 million American seniors, will have only a single day of hearings.

The American people have a right to full public hearings, on the GOP plan to cut $270 billion from Medicare to pay for a tax cut.

I commend members of the committee for their work on this highway bill. I wish that Republican members of the Ways and Means Committee would follow their example and allow full, public hearings on Medicare reform.

Mr. KIM. Mr. Chairman, I rise in strong support of the National Highway System bill.

I commend Chairman SHUSTER, Chairman PETRI and the other members of our committee for their success and hard work in bringing this bill to the floor.

As you know by now, we must pass this bill very soon.

If we don't, billions of federal transportation dollars will be delayed.

But this is also a good bill.

It removes a number of burdensome mandates and restrictions on the states.

One of these restrictions would have a tremendous impact on my district in Orange County, California.

There is a provision in Federal law which prohibits busses over a certain weight to travel on interstate highways.

The problem is that in order to comply with the Clean Air Act and the Americans with Disabilities Act, additional equipment must be added to the bus.

This equipment is very heavy.

And in Orange County, most of the public transit busses are now over weight.

Fortunately, there is an exemption for public transit busses that drive on interstate highways.

The Federal Highway Administration completed a study of this problem in 1994.

The study clearly stated that these busses do not create a safety hazard.

In addition, the Federal Highway Administration recommended that the busses be allowed to drive on the interstates until new, lighter busses are purchased by transit agencies.

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Unfortunately, this exemption expires on October 6.

After October 6, these busses will not be allowed on the interstates.

In fact, the California Highway Patrol has already informed the Orange County Transit Authority that it will pull over these busses and force them to unload. This is ridiculous.

The Federal Highway Administration has already said there is no safety hazard, but the Highway Patrol will force the busses to unload.

To fix this problem, our bill exempts transit busses from the interstate restriction until ISTEA is reauthorized.

This will give Congress the opportunity to create a program that phases in new, lighter busses without penalizing existing transit authorities.

This is just one of the many ridiculous restrictions and mandates that our bill addresses.

It's a good bill, and I urge my colleagues to vote for final passage.

Mr. BARTLETT of Maryland. Mr. Chairman, a sharply-worded Cumberland Times editorial about U.S. Route 220 in western Maryland hit the highway nail right on the head; I quote: ''U.S. Route 220 North is arguable the most dangerous stretch of highway in the (tri-state) area . . . (its) S-curves make the road an obstacle course fraught with danger.'' In addition to highlighting the frightening hazards of 220's three-mile twist in Allegany County, the Times editorial rightfully noted the value of an improved Route 220 to the economic development of a region ripe with promise and perfect for business growth. The inclusion of Route 220 as a designated highway in our national roadway network will serve as the foundation upon which the region can build a better 220 and, consequently, a brighter tomorrow for all those dependent upon it.

Before today, any substantial discussion in western Maryland about the overall economic development of the tri-state region was hindered by a lack of region-wide attention to—and funding for—Route 220. With this comprehensive bill and thanks to the effective leadership of Committee Chairman BUD SHUSTER and Maryland's State Highway Administration, we're seeing Route 220 get what it certainly deserves: a designated place in our national highway system. The measure before the House today appropriately includes the full stretches of Route 220—in Maryland, Pennsylvania and West Virginia—as key highway links in the National Highway System. As a result, planned improvements for Route 220 will receive federal funding priority. In the long history of Route 220, this is good news . . . very good news.

The improvement of Route 220 north of Cumberland is not only important to Maryland but also to our neighbors in Pennsylvania and West Virginia. Route 220 continues into these states from Maryland. Maryland—under the impressive guidance of Transportation Secretary David Winstead, Highway Administrator Hal Kassoff and House Speaker Cas Taylor—has authorized funding for right-of-way acquisition. Construction targets for Maryland's section of the road are within reach. For Route 220 to realize its full potential, it is imperative—as Speaker Taylor has consistently noted—that West Virginia, Maryland and Pennsylvania join forces to make Route 220 an asset to the region rather than a hurdle to development and safety. Improvements to Route 220 in any one of the three states must be matched by corresponding improvements to Route 220 in the others. I believe that this legislation is a terrific catalyst for such change, cooperation and progress.

I look forward to the continuation of a Route 220 coalition dedicated to the completion of 220 improvements throughout the region. I will soon be meeting with my colleagues from West Virginia and Pennsylvania in an effort to lend whatever assistance we can to the project.

At this juncture—and on behalf of those who share our interest in Route 220—I want to commend Chairman Shuster and urge the House to adopt the National Highway System language as detailed in the bill. The State of Maryland has advised me that more than 7,500 vehicles face the Route 220 minefield daily. That number is predicted to double by 2015. In the name of safety and for the benefit of the region, it is essential that we give Route 220 the attention it deserves and the backing it needs to become a reality rather than a roadblock to progress.

I also want to thank Subcommittee Chairman TOM PETRI for his assistance in redesignating $440,000 in unused funds from Rt. 48 in Washington County for use in the I–70/I–270 interchange project as part of H.R. 2274.

Frederick County is one of Maryland's fastest growing communities. Yet, the Frederick area is virtually the last place in America where major criss-crossing interstates lack complete, accessible and safe connecting interchanges and sufficient highway feeder networks. Construction of the I–70/I–270 interchange is one of the highest priorities in the state of Maryland. The release of this $440,000 will help accelerate the work on Phase I of this critical highway improvement project. This is one more step to ensure that Frederick County will remain an active force in the growth of the state's economy and that of the entire western Maryland region.

I thank Chairman SHUSTER and the Speaker for this opportunity and yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, as the debate proceeds on H.R. 2274, the National Highway System Designation Act, I want to register my views on several provisions that are of critical importance to the Nation as well as to my home State of Texas.

The bill establishes priorities for our highway and transportation needs. It provides us with a mechanism to support infrastructure projects which have national significance. One such project which I commend the committee for including in the legislation would extend high-priority corridor 18 from where it currently ends in Houston, TX, to the Mexican border in the Lower Rio Grande Valley.

The Rio Grande Valley of south Texas is one of the main gateways for goods entering and exiting the United States to Mexico. Its two main north-south transportation arteries, U.S. Highways 281 and 77, are the two busiest highways going to and from our southern border. In fact, in 1993, these two highways handled approximately 4.7 million vehicles, a fourth of which were trucks.

Rio Grande Valley highways service nine international border crossings which have a total of 30 lanes. In 1994, these nine ports of entry handled approximately 28.3 million crossings.

The extension of high-priority corridor 18 into the Lower Rio Grande Valley will link together many of the major economic centers of our Nation with Canada and Mexico, providing us with a seamless trade corridor for the safe and efficient flow of goods. The extension of corridor 18 into south Texas ties in with planned infrastructure developments in Mexico. The entire United States will benefit from this linkage which will enhance economic development and international trade.

Mr. SHUSTER. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for the general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 2349 shall be considered by titles as an original bill for the purpose of amendment. The first two sections and each title are considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–252 if offered by the gentleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

After disposition of that amendment, the bill as then perfected will be considered as original text.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the debate on the amendment relating to the repeal of the speed limit be limited to 1 hour, equally divided, 30 minutes on either side, and that the subsequent speed limit amendment be limited to 20 minutes divided equally on either side.

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

There was no objection.

AMENDMENT OFFERED BY MR. SHUSTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHUSTER pursuant to House Resolution 224: Page 11, line 18, strike ''$360,420,595'' and insert ''$321,420,595''.

Page 15, strike lines 12 through 14 and insert the following:

(B) by striking ''1996, and 1997'' and inserting ''and 1996, and $146,000,000 for fiscal year 1997''.

Page 25, line 5, strike ''any'' and all that follows through ''limitation so that'' on line 8 and insert the following:

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section 5336(d) of title 49, United States Code, the Secretary shall distribute the limitation on operating assistance under such section—

(1) so that

Page 25, line 12, strike ''fiscal year 1996'' and insert ''each of fiscal years 1996 and 1997''.

Page 25, line 14, by striking the period and inserting '', and''.

Page 25, after line 14, insert the following:

(2) so that an urbanized area that had a population under the 1980 decennial census of the United States of more than 1,000,000 and has a population under the 1990 decennial census of less than 1,000,000, will receive under the distribution of such limitation for each of fiscal years 1996 and 1997, 90 percent of the amount of funds apportioned in fiscal year 1982 under sections 5(a)(1)(A), 5(a)(2)(A), and 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 to such area.

Page 35, line 8, strike ''shall be'' and insert ''shall not be less than''.

Page 36, after line 9, insert the following:

(t) SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 5320 of title 49, United States Code, is amended—

(1) in subsection (h)(1)(A) by striking ''for the fiscal year ending September 30, 1992,'';

(2) in subsection (h)(1)(B) by striking ''for the fiscal year ending September 30, 1993,'';

(3) in subsection (h)(1)(C) by striking ''for the fiscal year ending September 30, 1994,''; and

(4) by adding at the end the following new subsection:

''(l) DEADLINE.—

''(1) COMPLETION OF COMPETITION.—Notwithstanding any other provision of this section, not later than 60 days after the date of the enactment of this subsection, the Secretary shall complete the national competition initiated under subsection (c) by selecting the public entity referred to in subsection (c)(3).

''(2) THEREAFTER.—Following selection of the public entity in accordance with paragraph (1)—

''(A) the Secretary shall make to such public entity the payments under subsections (h)(1)(B) and (h)(1)(C); except that such payments shall be made in the form of grants under section 5312(a); and

''(B) the Secretary, upon completion of preliminary engineering and design, shall negotiate and enter into a full financing grant agreement with such public entity under subsection (e), consistent with section 5309(g).''.

Page 36, line 10, strike ''(t)'' and insert ''(u)''.

Page 51, line 1, after ''Secretary'' insert '', in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration,''.

Page 69, line 18, before ''Arkansas'' insert ''Mississippi,''.

Page 69, line 25, strike ''(20)'' and insert ''(18)''.

Page 71, line 17, strike the closing quotation marks and the final period.

Page 71, after line 17, insert the following:

''(27) The Camino Real Corridor from El Paso, Texas, to Denver, Colorado, as follows:

''(A) In the State of Texas, the Camino Real Corridor shall generally follow—

''(i) arterials from the international ports of entry to I–10 in El Paso County; and

''(ii) I–10 from El Paso County to the New Mexico border.

''(B) In the State of New Mexico, the Camino Real Corridor shall generally follow—

''(i) I–10 from the Texas Border to Las Cruces; and

''(ii) I–25 from Las Cruces to the Colorado Border.

''(C) In the State of Colorado, the Camino Real Corridor shall generally follow I–25 from the New Mexico Border to Denver.''.

Page 82, line 3, strike ''and''.

Page 82, line 15, strike the period and insert ''; and''.

Page 82, after line 15, insert the following:

(3) in item 33, relating to Orange County, New York, strike ''Stuart Airport Interchange Project'' and insert ''Stewart Airport interchange projects''.

Page 86, line 20, before the period insert '', including the structure over the Delaware River''.

Page 93, line 17, strike ''50'' and insert ''100''.

Page 94, after line 13, insert the following:

(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

Page 94, line 14, strike ''(4)'' and insert ''(5)''.

Page 96, after line 24, insert the following:

(6) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' means any motor vehicle, regardless of gross weight—

(A) used on highways in interstate or intrastate commerce in the furtherance of building, repairing, expanding, improving, maintaining, or operating any structures, facilities, excavations, poles, lines, or any other physical feature necessary for the delivery of public utility services, including the furnishing of electric, water, sanitary sewer, telephone, and television cable or community antenna service;

(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(C) except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented or otherwise contracted for by the utility.

Page 97, line 2, strike ''erected under'' and insert ''referred to in''.

Page 97, after line 12, insert the following:

SEC. 354. MOTOR CARRIER SAFETY PROGRAM.

Section 31136(e) of title 49, United States Code, is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''After notice'';

(2) by indenting paragraph (1), as designated by paragraph (1) of this section, and moving paragraph (1), as so redesignated, 2 ems to the right; and

(3) by adding the following at the end:

''(2) MOTOR CARRIER SAFETY PROGRAM.—

''(A) IN GENERAL.—The Secretary, within 180 days of the application of an operator of motor vehicles with a gross vehicle weight rating of at least 10,001 pounds but not more than 26,000 pounds, shall exempt some or all of such vehicles and drivers of such vehicles from some or all of the regulations prescribed under this section and sections 504 and 31502 of this title if the Secretary finds such applicant—

''(i) has a current satisfactory safety fitness rating issued by the Secretary; and

''(ii) will implement a program of safety management controls designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section.

The Secretary shall modify the exemption if there is a material change in the regulations prescribed under such sections. In granting such exemption, the Secretary shall ensure that approved participants in the motor carrier safety program are subject to a minimum of paperwork and regulatory burdens.

''(B) MONITORING; EXEMPTION PERIOD.—The Secretary and participants in the program established by this paragraph shall periodically monitor the safety of vehicles and drivers exempted from regulations under the program. An exemption approved under subparagraph (A) shall remain in effect until such time as the Secretary finds—

''(i) that the operator has exceeded the average ratio of preventable accidents to vehicle miles travelled for a period of 12 months for the class of vehicles with a gross vehicle weight of at least 10,001 pounds but not more than 26,000 pounds; or

''(ii) that such operator's exemption is not in the public interest and would result in a significant adverse impact on the safety of commercial motor vehicles.

''(C) FACTORS.—In approving applications under the program established by this paragraph, the Secretary shall—

''(i) ensure that applicants in the program represent a broad cross-section of fleet size and operators of vehicles between 10,000 and 26,000 pounds; and

''(ii) to the extent feasible, ensure participation by as many qualified applicants as possible.

''(D) LIMITATION.—The Secretary shall not grant the exemptions set forth in subparagraph (A) to vehicles—

''(i) designed to transport more than 15 passengers; including the driver; or

''(ii) used in transporting material found by the Secretary to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under such section 5103.

''(E) EMERGENCIES.—The Secretary may revoke or modify the participation of an operator in the program established by this section in the case of an emergency.

''(3) REVIEW OF REGULATIONS.—The Secretary shall conduct a zero-based review of the need and the costs and benefits of all regulations issued under this section and sections 504 and 31502 of this title to determine whether such regulations should apply to vehicles weighing between 10,000 and 26,000 pounds. The review shall focus on the appropriate level of safety and the paperwork and regulatory burdens of such regulations as they apply to operators of vehicles weighing between 10,000 and 26,000 pounds. The Secretary shall complete the review within 18 months after the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall grant such exemptions or modify or repeal existing regulations to the extent appropriate.''.

Conform the table of contents of the bill accordingly.

Mr. SHUSTER. Mr. Chairman, this is something I believe we have worked out. It is an en bloc amendment which makes several technical and conforming changes to existing provisions and adds noncontroversial, modest policy changes, reduces the authorized level of the State restoration program by $39 million in fiscal 1996, to eliminate a budget point of order, and to conform with a CBO estimate and strikes a fiscal 1996 National Highway Traffic Safety Administration rescission.

It makes technical and conforming changes which limit the distribution of operating assistance in light of budget

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cuts, and it makes technical and conforming changes to an IC transit project, description change, as well as other technical and conforming changes, and I would ask support for the amendment.

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

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

Mr. PETRI. Mr. Chairman, I would like to say we have worked on this closely with leaders on both sides of the aisle. I believe it has everyone's concurrence and it does just make conforming and technical changes.

The CHAIRMAN. Does any Member rise in opposition to the amendment? If not, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Chairman, we have reviewed the amendment on our side that addresses many of the concerns which we addressed in our opening comments. I commend the chairman for offering this amendment and we support it.

Mr. SHUSTER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER]

The amendment was agreed to.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Highway System Designation Act of 1995''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—NATIONAL HIGHWAY SYSTEM

Sec. 101. National Highway System designation.

TITLE II—HIGHWAY FUNDING RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. State high priority project restoration program.
Sec. 204. Rescissions.
Sec. 205. State unobligated balance flexibility.
Sec. 206. Minimum allocation.
Sec. 207. Relief from mandates.
Sec. 208. Definitions.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Distribution of transit operating assistance limitation.
Sec. 302. Accountability for high cost Federal-aid projects.
Sec. 303. Letters of intent and full financing grant and early systems work agreements.
Sec. 304. Report on capital projects.
Sec. 305. Repeal and modification of existing projects.
Sec. 306. Miscellaneous transit projects.
Sec. 307. Metropolitan planning for transit projects.
Sec. 308. Contracting for engineering and design services.
Sec. 309. Ferry boats and terminal facilities.
Sec. 310. Utilization of the private sector for surveying and mapping services.
Sec. 311. Formula grant program.
Sec. 312. Accessibility of over-the-road buses to individuals with disabilities.
Sec. 313. Alaska Railroad.
Sec. 314. Alcohol and controlled substances testing.
Sec. 315. Alcohol-impaired driving countermeasures.
Sec. 316. Safety research initiatives.
Sec. 317. Public transit vehicles exemption.
Sec. 318. Congestion mitigation and air quality improvement program.
Sec. 319. Quality improvement.
Sec. 320. Applicability of transportation conformity requirements.
Sec. 321. Quality through competition.
Sec. 322. Applicability of certain vehicle weight limitations in Wisconsin.
Sec. 323. Treatment of Centennial Bridge, Rock Island, Illinois, agreement.
Sec. 324. Metric requirements and signs.
Sec. 325. ISTEA technical clarification.
Sec. 326. Metropolitan planning for highway projects.
Sec. 327. Non-Federal share for certain toll bridge projects.
Sec. 328. Discovery and admission as evidence of certain reports and surveys.
Sec. 329. National recreational trails.
Sec. 330. Identification of high priority corridors.
Sec. 331. High priority corridor feasibility studies.
Sec. 332. High cost bridge projects.
Sec. 333. Congestion relief projects.
Sec. 334. High priority corridors on National Highway System.
Sec. 335. High priority corridor projects.
Sec. 336. Rural access projects.
Sec. 337. Urban access and mobility projects.
Sec. 338. Innovative projects.
Sec. 339. Intermodal projects.
Sec. 340. Miscellaneous revisions to Surface Transportation and Uniform Relocation Assistance Act of 1987.
Sec. 341. Eligibility.
Sec. 342. Orange County, California, toll roads.
Sec. 343. Miscellaneous studies.
Sec. 344. Collection of bridge tolls.
Sec. 345. National driver register.
Sec. 346. Roadside barrier technology.
Sec. 347. Motorist call boxes.
Sec. 348. Repeal of national maximum speed limit compliance program.
Sec. 349. Elimination of penalty for noncompliance for motorcycle helmets.
Sec. 350. Safety rest areas.
Sec. 351. Exemptions from requirements relating to commercial motor vehicles and their operators.
Sec. 352. Traffic control signs.
Sec. 353. Brightman Street Bridge, Fall River Harbor, Massachusetts.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. SECRETARY DEFINED.

In this Act, the term ''Secretary'' means the Secretary of Transportation.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—NATIONAL HIGHWAY SYSTEM

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

''(c) INITIAL DESIGNATION OF NHS.—The National Highway System as submitted by the Secretary of Transportation on the map entitled 'Official Submission, National Highway System, Federal Highway Administration', and dated September 1, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

''(d) MODIFICATIONS TO THE NHS.—

''(1) PROPOSED MODIFICATIONS.—The Secretary may submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives proposed modifications to the National Highway System. The Secretary may only propose a modification under this subsection if the Secretary determines that such modification meets the criteria and requirements of subsection (b). Proposed modifications may include new segments and deletion of existing segments of the National Highway System.

''(2) APPROVAL OF CONGRESS REQUIRED.—A modification to the National Highway System may only take effect if a law has been enacted approving such modification.

''(3) REQUIRED SUBMISSION.—

''(A) INITIAL SUBMISSION.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System. Such modifications shall include a list and description of additions to the National Highway System consisting of connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities.

''(B) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall submit under paragraph (1) proposed modifications to the National Highway System consisting of any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037) which was not identified on the National Highway System designated by subsection (c).

''(4) INTERIM ELIGIBILITY.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), a modification to the National Highway System which adds to the National Highway System a connection to a major port, airport, international border crossing, public transportation or transit facility, interstate bus terminal, or rail or other intermodal transportation facility shall be eligible for funds apportioned under section 104(b)(1) for the National Highway System if the Secretary finds that such modification is consistent with criteria developed by the Secretary for such modifications to the National Highway System.

''(B) PERIOD OF ELIGIBILITY.—A modification to the National Highway System which is eligible under subparagraph (A) for funds apportioned under section 104(b)(1) may remain eligible for such funds only until the date on which a law has been enacted approving modifications to the National Highway System which connect the National Highway System to facilities referred to in subparagraph (A).''.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—HIGHWAY FUNDING RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Highway Funding Restoration Act of 1995''.

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SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) Federal infrastructure spending on highways is critical to the efficient movement of goods and people in the United States;

(2) section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 has been estimated to result in fiscal year 1996 highway spending being reduced by as much as $4,200,000,000;

(3) such section 1003(c) will cause every State to lose critical funds from the Highway Trust Fund that can never be recouped; and

(4) the funding reduction would have disastrous effects on the national economy, impede interstate commerce, and jeopardize the 40-year Federal investment in the Nation's highway system.

(b) PURPOSES.—The purposes of this Act are—

(1) to make the program categories in the current Federal-aid highway program more flexible so that States may fund current, high-priority projects in fiscal year 1996;

(2) to eliminate programs that are not critical during fiscal year 1996 and to reallocate funds so that the States will be able to continue their core transportation infrastructure programs;

(3) to restore funding for exempt highway programs;

(4) to ensure the equitable distribution of funds to urbanized areas with a population over 200,000 in a manner consistent with the Intermodal Surface Transportation Efficiency Act of 1991; and

(5) to suspend certain penalties that would be imposed on the States in fiscal year 1996.

SEC. 203. STATE HIGH PRIORITY PROJECT RESTORATION PROGRAM.

(a) IN GENERAL.—On October 1 of each of fiscal years 1996 and 1997, or as soon as possible thereafter, the Secretary shall allocate among the States the amounts made available to carry out this section for Interstate highway substitute, National Highway System, surface transportation program, Interstate, congestion mitigation and air quality improvement program, bridge, hazard elimination, and rail-highway crossings projects.

(b) ALLOCATION FORMULA.—Funds made available to carry out this section shall be allocated among the States in accordance with the following table:

States:	Allocation Percentages
Alabama	1.80
Alaska	1.20
Arizona	1.43
Arkansas	1.42
California	9.17
Colorado	1.27
Connecticut	1.74
Delaware	0.39
District of Columbia	0.52
Florida	4.04
Georgia	2.92
Hawaii	0.54
Idaho	0.70
Illinois	3.88
Indiana	2.18
Iowa	1.27
Kansas	1.13
Kentucky	1.53
Louisiana	1.52
Maine	0.65
Maryland	1.68
Massachusetts	4.11
Michigan	2.75
Minnesota	1.69
Mississippi	1.11
Missouri	2.28
Montana	0.93
Nebraska	0.79
Nevada	0.69
New Hampshire	0.48
New Jersey	2.86
New Mexico	1.02
New York	5.35
North Carolina	2.62
North Dakota	0.64
Ohio	3.64
Oklahoma	1.36
Oregon	1.23
Pennsylvania	4.93
Rhode Island	0.56
South Carolina	1.42
South Dakota	0.69
Tennessee	2.00
Texas	6.21
Utah	0.73
Vermont	0.43
Virginia	2.28
Washington	2.05
West Virginia	1.15
Wisconsin	1.90
Wyoming	0.65
Puerto Rico	0.46
Territories	0.01.

(c) EFFECT OF ALLOCATIONS.—Funds distributed to States under subsection (b) shall not affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, amounts made available to carry out this section shall be available for obligation for the fiscal year for which such amounts are made available plus the 3 succeeding fiscal years and shall be subject to the provisions of title 23, United States Code. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(e) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—

(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under this section for a fiscal year shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3) of title 23, United States Code.

(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) of title 23, United States Code, to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).

(f) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent 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 title 23, United States Code (relating to transportation planning). 1½ percent 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 such title (relating to transportation planning and research).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $360,420,595 for fiscal year 1996 and $155,000,000 for fiscal year 1997.

(h) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Except as otherwise provided in this section, funds allocated under this section shall be available for obligation in the same manner and for the same purposes as if such funds were apportioned under chapter 1 of title 23, United States Code.

(i) TERRITORIES DEFINED.—In this section, the term ''territories'' means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 204. RESCISSIONS.

(a) RESCISSIONS.—Effective October 1, 1995, and after any necessary reductions are made under section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the following unobligated balances available on September 30, 1995, of funds made available for the following provisions are hereby rescinded:

(1) $78,993.92 made available by section 131(c) of the Surface Transportation Assistance Act of 1982.

(2) $798,701.04 made available by section 131(j) of the Surface Transportation Assistance Act of 1982.

(3) $942,249 made available for section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(4) $88,195 made available for section 149(a)(111)(C) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(5) $155,174.41 made available for section 149(a)(111)(E) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(6) $36,979.05 made available for section 149(a)(111)(J) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(7) $34,281.53 made available for section 149(a)(111)(K) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(8) $164,532 made available for section 149(a)(111)(L) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(9) $86,070.82 made available for section 149(a)(111)(M) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(10) $52,834 made available for section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(11) $909,131 made available for section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(12) $3,817,000 made available for section 149(a)(35) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(13) $797,800 made available for section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(14) $2 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(15) $44,706,878 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991.

(16) $15,401,107 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991.

(17) $1,000,000 made available by item number 38 of the table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(18) $150,000,000 deducted by the Secretary under section 104(a) of title 23, United States Code.

(19) $10,800,000 made available by section 5338(a)(1) of title 49, United States Code.

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(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—

(1) MAGNETIC LEVITATION.—Section 1036(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(A) in subparagraph (A) by inserting ''and'' after ''1994,'';

(B) in subparagraph (A) by striking '', $125,000,000'' and all that follows through ''1997''; and

(C) in subparagraph (B) by striking ''1996, and 1997'' and inserting ''and 1996''.

(2) HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of such Act (105 Stat. 2079) is amended—

(A) by striking ''and'' the first place it appears and inserting a comma; and

(B) by striking '', 1995, 1996, and 1997'' and inserting ''and 1995, and $146,000,000 for each of fiscal years 1996 and 1997''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the day after the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of such Act.

(c) CONGESTION PRICING PILOT PROGRAM TRANSFERS.—After the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the amounts made available for fiscal years 1996 and 1997 to carry out section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1938) shall be available to carry out section 203 of this Act, relating to the State high priority restoration program.

SEC. 205. STATE UNOBLIGATED BALANCE FLEXIBILITY.

(a) REDUCTION IN FEDERAL FUNDING.—

(1) NOTIFICATION OF STATES.—On October 1, 1995, or as soon as possible thereafter, the Secretary shall notify each State of the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to such State, and that would have been apportioned to such State, as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) EXCLUSION OF CERTAIN FUNDING.—In determining the amount of any reduction under paragraph (1), the Secretary shall deduct—

(A) the amount allocated to each State in fiscal year 1996 to carry out section 203 of this Act, relating to the State high priority project restoration program; and

(B) any amounts made available under section 157(a)(4)(B)(iii) of title 23, United States Code, for fiscal year 1996.

(b) UNOBLIGATED BALANCE FLEXIBILITY.—Upon request of a State, the Secretary shall make available to carry out projects described in section 203(a) of this Act in fiscal year 1996 an amount not to exceed the amount determined under subsection (a) for the State. Such funds shall be made available from authorized funds that were allocated or apportioned to such State and were not obligated as of September 30, 1995. The State shall designate on or before November 1, 1995, or as soon as possible thereafter which of such authorized funds are to be made available under this section to carry out such projects. The Secretary shall make available before November 15, 1995, or as soon as possible thereafter funds designated under the preceding sentence to the State.

(c) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds which were apportioned to the State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(3) of such title may only be designated by the State under subsection (b) if the metropolitan planning organization designated for such area concurs, in writing, with such designation.

(d) CONGESTION MITIGATION AND AIR QUALITY BALANCES.—States may designate under subsection (b) funds apportioned under section 104(b)(2) of title 23, United States Code, and not obligated as of September 30, 1995, to carry out projects described in section 203(a) of this Act only if such funds will be obligated in areas described in section 104(b)(2) of such title or, in the case of a State which does not include such an area, the funds may be obligated in any area of the State.

(e) INTERSTATE CONSTRUCTION BALANCES.—A State may not designate under subsection (b) any more than ⅓ of funds apportioned or allocated to the State for Interstate construction and not obligated as of September 30, 1995.

(f) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, amounts designated under subsection (b) shall be available for obligation for the same period for which such amounts were originally made available for obligation and shall be subject to the provisions of title 23, United States Code. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(h) STATE.—In this section and section 203, the term ''State'' has the meaning such term has under section 401 of title 23, United States Code.

SEC. 206. MINIMUM ALLOCATION.

(a) FORMULA.—Section 157(a)(4) of title 23, United States Code, is amended—

(1) by striking ''In fiscal'' and inserting the following:

''(A) IN GENERAL.—In fiscal'';

(2) by inserting ''funds authorized to be appropriated by subsection (f)'' after ''shall allocate'';

(3) by moving subparagraph (A), as designated by paragraph (1) of this subsection, 2 ems to the right; and

(4) by adding at the end the following:

''(B) ADDITIONAL ALLOCATION.—If the aggregate amount allocated to the States under subparagraph (A) after application of section 1003(c) the Intermodal Surface Transportation Efficiency Act of 1991 for any fiscal year beginning after September 30, 1995, is less than the amount authorized to be appropriated to carry out this section for such fiscal year, then the excess of such authorized amount shall be allocated as follows:

''(i) The Secretary shall first allocate to each State such amount as may be necessary to increase the allocation under subparagraph (A) to the amount that would have been allocated to the State for such fiscal year if the full amount of the funds authorized to be appropriated for such fiscal year by such Act out of the Highway Trust Fund (other than the Mass Transit Account) were appropriated without regard to such section 1003(c).

''(ii) If any of such excess remains after the allocation under clause (i), the Secretary shall allocate to each State such amount as may be necessary so that the amount authorized to be appropriated for such fiscal year for each project to be carried out in such State under sections 1103 through 1108 of such Act without regard to section 1003(c) of such Act is available for the project.

''(iii) The Secretary shall allocate among the States any excess remaining after the allocations under clauses (i) and (ii) so that each State is allocated the following percentages of the remaining excess:

''States:	Percentages
Alabama	1.80
Alaska	1.20
Arizona	1.43
Arkansas	1.42
California	9.17
Colorado	1.27
Connecticut	1.74
Delaware	0.39
District of Columbia	0.52
Florida	4.04
Georgia	2.92
Hawaii	0.54
Idaho	0.70
Illinois	3.88
Indiana	2.18
Iowa	1.27
Kansas	1.13
Kentucky	1.53
Louisiana	1.52
Maine	0.65
Maryland	1.68
Massachusetts	4.11
Michigan	2.75
Minnesota	1.69
Mississippi	1.11
Missouri	2.28
Montana	0.93
Nebraska	0.79
Nevada	0.69
New Hampshire	0.48
New Jersey	2.86
New Mexico	1.02
New York	5.35
North Carolina	2.62
North Dakota	0.64
Ohio	3.64
Oklahoma	1.36
Oregon	1.23
Pennsylvania	4.93
Rhode Island	0.56
South Carolina	1.42
South Dakota	0.69
Tennessee	2.00
Texas	6.21
Utah	0.73
Vermont	0.43
Virginia	2.28
Washington	2.05
West Virginia	1.15
Wisconsin	1.90
Wyoming	0.65
Puerto Rico	0.46
Territories	0.01.

''(C) TERRITORIES DEFINED.—In this paragraph, the term 'territories' means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—Section 157 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f), respectively, and

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

''(d) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000 IN FISCAL YEARS 1996 AND 1997.—

''(1) GENERAL RULE.—The percentage determined under paragraph (2) of funds allocated to a State under subsection (a)(4)(B)(iii) for each of fiscal years 1996 and 1997 shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3).

''(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

''(A) the total amount of the reduction in funds which would have been attributed under section 133(d)(3) to urbanized areas of

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the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991; by

''(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).''.

(c) FUNDING.—Section 157(f) of such title, as redesignated by subsection (b), is amended by inserting before the period the following: ''and before October 1, 1995, $1,101,000,000 for fiscal year 1996, $1,378,000,000 for fiscal year 1997''.

SEC. 207. RELIEF FROM MANDATES.

(a) MANAGEMENT SYSTEMS.—The Secretary shall not take any action pursuant to or enforce the provisions of section 303(c) of title 23, United States Code, with respect to any State during fiscal year 1996.

(b) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1987–1990) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 208. DEFINITIONS.

In this title, the following definitions apply:

(1) AUTHORIZED FUNDS.—The term ''authorized funds'' means funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out title 23, United States Code (other than sections 402 and 410) and the Intermodal Surface Transportation Efficiency Act of 1991 and subject to an obligation limitation.

(2) URBANIZED AREA.—The term ''urbanized area'' has the meaning such term has under section 101(a) of title 23, United States Code.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DISTRIBUTION OF TRANSIT OPERATING ASSISTANCE LIMITATION.

(a) IN GENERAL.—Notwithstanding any limitation otherwise imposed on operating assistance under section 5307 of title 49, United States Code, the Secretary shall distribute such limitation so that each urbanized area (as such term is defined under section 5302 of such title) that had a population under the 1990 decennial census of the United States of less than 200,000 will receive, under the distribution of such limitation for fiscal year 1996, 75 percent of the amount the area received under the distribution of such limitation for fiscal year 1995.

(b) CONSIDERATION.—In the distribution of the limitation referred to in subsection (a) to urbanized areas that had a population under the 1990 decennial census of 1,000,000 or more, the Secretary shall direct each such area to give priority consideration to the impact of reductions in operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities when the limitation is distributed among all transit authorities operating in the area.

SEC. 302. ACCOUNTABILITY FOR HIGH COST FEDERAL-AID PROJECTS.

(a) REQUIREMENTS.—The Secretary shall require each recipient of Federal financial assistance for a highway or transit project with an estimated total cost of $1,000,000,000 or more to submit to the Secretary an annual financial plan. Such plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

(b) RECOMMENDATIONS ON WITHHOLDING OF ASSISTANCE.—As part of an annual report to be submitted under subsection (c), the Secretary shall make a recommendation to Congress on whether or not future Federal assistance should be withheld with respect to any project described in subsection (a) for which an annual financial plan is not submitted under subsection (a) or for which the Secretary determines that the estimates or assumptions referred to in subsection (a) are not reasonable.

(c) REPORT.—The Secretary shall submit to Congress an annual report on the financial plans submitted to the Secretary under this section, and any recommendation made by the Secretary under subsection (b), in the preceding fiscal year.

SEC. 303. LETTERS OF INTENT AND FULL FINANCING GRANT AND EARLY SYSTEMS WORK AGREEMENTS.

Section 5309(g) of title 49, United States Code, is amended—

(1) by indenting and dropping paragraph (1) down 1 line;

(2) by moving all the paragraphs, subparagraphs, and clauses of such section 2 ems to the right;

(3) by inserting after ''(1)'' the first place it appears the following: ''LETTERS OF INTENT.—'';

(4) in paragraph (1)(B) by striking ''Public Works and Transportation'' and inserting ''Transportation and Infrastructure'';

(5) by inserting after (2) the first place it appears ''FULL FINANCING GRANT AGREEMENTS.—'';

(6) by inserting after (3) the first place it appears ''EARLY SYSTEM WORK AGREEMENTS.—'';

(7) by inserting after (4) the first place it appears ''TOTAL ESTIMATED FUTURE OBLIGATIONS AND CONTINGENT COMMITMENTS.—''; and

(8) by adding at the end the following:

''(5) PREAUTHORIZATION OF FULL FEDERAL FINANCIAL RESPONSIBILITY.—

''(A) IN GENERAL.—After the date of the enactment of this paragraph and before the date on which Federal-aid highway and transit programs are reauthorized, the Secretary of Transportation may not issue a letter of intent, or enter into a full financing grant agreement or early systems work agreement, under this section for a project or operable segment of a project unless the full amount of Federal financial responsibility for the project or operable segment of a project has been included in an authorization law.

''(B) LIMITATION.—The prohibition on entering into a full financing grant agreement under this paragraph shall not apply—

''(i) to any project for which a letter of intent was issued before the date of the enactment of this paragraph; and

''(ii) to any project included as an element of an interrelated project which also includes another project for which a letter of intent was issued before such date of enactment.''.

SEC. 304. REPORT ON CAPITAL PROJECTS FOR FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING FIXED GUIDEWAY SYSTEMS.

Section 5309(m) of title 49, United States Code, is amended—

(1) by indenting and dropping paragraph (1) down 1 line;

(2) by moving all the paragraphs and subparagraphs of such section 2 ems to the right;

(3) by inserting ''PERCENTAGES.—'' after ''(1)'' the first place it appears;

(4) by inserting ''NONURBANIZED AREA ALLOCATION.—'' after ''(2)'' the first place it appears;

(5) by inserting ''REPORTS.—'' after ''(3)'' the first place it appears;

(6) in paragraph (3) by striking ''Public Works and Transportation'' and inserting ''Transportation and Infrastructure'';

(7) in paragraph (3) by striking ''a proposal on the allocation'' and inserting ''a report on the proposed allocation'';

(8) in paragraph (3) by adding at the end the following:

''Such report shall include for each such capital project the following:

''(A) An analysis of the potential funding requirements of the project under paragraph (1)(B) in the succeeding 5 fiscal years.

''(B) A description of the planning and study process undertaken to select the locally preferred alternative for the project.

''(C) A description of efforts undertaken to seek alternative funding sources for the project.''; and

(9) by inserting ''MULTIPLE ALLOCATIONS.—'' after ''(4)'' the first place it appears.

SEC. 305. REPEAL AND MODIFICATION OF EXISTING PROJECTS.

(a) LONG BEACH METRO LINK FIXED RAIL PROJECT.—Section 3035(o) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131) is repealed.

(b) HONOLULU RAPID TRANSIT PROJECT.—Section 3035(ww) of such Act (105 Stat. 2136) is amended by striking ''$618,000,000'' and inserting ''$541,100,000''.

SEC. 306. MISCELLANEOUS TRANSIT PROJECTS.

(a) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122–2123) is amended—

(1) by inserting after ''Hudson River Waterfront Transportation System'' the following: ''(including corridor connections to and within the city of Bayonne)''; and

(2) by inserting after ''Concourse,'' the following: ''the West Shore Line,''.

(b) NORTH BAY FERRY SERVICE.—Section 3035(c) of such Act (105 Stat. 2129) is amended by striking ''$8,000,000'' and all that follows through ''1993'' and inserting ''$17,000,000''.

(c) STATEN ISLAND-MIDTOWN MANHATTAN FERRY SERVICE.—Section 3035(d) of such Act is amended by striking ''$1,000,000'' and all that follows through ''1993'' and inserting ''$12,000,000''.

(d) CENTRAL AREA CIRCULATOR PROJECT.—Section 3035(e) of such Act is amended by striking the last sentence which begins ''Such amount''.

(e) SALT LAKE CITY LIGHT RAIL PROJECT.—Section 3035(f) of such Act is amended by inserting after ''including'' the following: ''related high-occupancy vehicle lane, intermodal corridor design,''.

(f) LOS ANGELES-SAN DIEGO RAIL CORRIDOR IMPROVEMENT PROJECT.—Section 3035(g) of such Act is amended by striking ''not less than'' the 1st place it appears and all that follows through ''1994'' and inserting ''$20,000,000''.

(g) SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.—Section 3035(h) of such Act is amended—

(1) by striking ''July 1, 1994'' and inserting ''September 30, 1996''; and

(2) by striking ''August 1, 1994,'' and inserting ''October 31, 1996,''.

(h) DALLAS LIGHT RAIL PROJECT.—

(1) MULTIYEAR GRANT AGREEMENT.—Section 3035(i) of such Act is amended—

(A) by striking ''6.4 miles'' and inserting ''9.6 miles'';

(B) by striking ''10 stations'' and inserting ''not to exceed 14 stations'';

(C) by striking ''such light rail line'' and inserting ''the program of interrelated projects identified in section 5328(c)(1)(G) of title 49, United States Code,''; and

(D) by striking ''of such elements'' and inserting ''element of such program of interrelated projects''.

(2) PROGRAM OF INTERRELATED PROJECTS.—Section 5328(c)(1)(G) of title 49, United States Code, is amended by striking ''Camp Wisdom'' and inserting ''Interstate Route 20, L.B.J. Freeway''.

(i) KANSAS CITY LIGHT RAIL LINE.—Section 3035(k) of such Act is amended by striking ''$1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993'' and inserting ''$5,900,000''.

(j) DOWNTOWN ORLANDO CIRCULATOR PROJECT.—Section 3035(l) of such Act is amended—

(1) by striking the subsection heading and inserting ''DOWNTOWN ORLANDO CIRCULATOR PROJECT'';

(2) by striking ''No later than April 30, 1992, the'' and inserting ''The'';

(3) by striking ''for'' the second place it appears and all that follows through the period at the end and inserting ''and the completion of final design, construction, land and equipment acquisition, and related activities for the Downtown Orlando Circulator project.''.

(k) DETROIT LIGHT RAIL PROJECT.—Section 3035(m) of such Act is amended by striking ''not less than'' the first place it appears and all that follows through ''1993,'' and inserting ''$20,000,000''.

(l) LAKEWOOD-FREEHOLD-MATAWAN OR JAMES- BURG RAIL PROJECT.—Section 3035(p) of such Act is amended by striking ''$1,800,000'' and all that follows through ''1994'' and inserting ''$7,800,000''.

(m) CHARLOTTE LIGHT RAIL STUDY.—Section 3035(r) of such Act is amended by striking ''$125,000'' and all that follows through ''1993'' and inserting ''$500,000''.

(n) SAN DIEGO MID COAST FIXED GUIDEWAY PROJECT.—Section 3035(u) of such Act is amended—

(1) in the subsection heading by striking ''MID COAST LIGHT RAIL PROJECT'' and inserting ''METROPOLITAN TRANSIT IMPROVEMENT PROGRAM'';

(2) by striking ''No later than April 30, 1992, the'' and inserting ''The''; and

(3) by striking '', $2,000,000'' and all that follows through the period and inserting ''$27,000,000 for the integrated project financing of the San Diego Mid Coast and Mission Valley East Corridor fixed guideway projects.''.

(o) EUREKA SPRINGS, ARKANSAS.—Section 3035(z) of such Act is amended by striking the text and inserting the following: ''From funds made available under section 5309(m)(1)(C) of title 49, United States Code, the Secretary shall make available $63,600 to Eureka Springs Transit for the purchase of an alternative fueled vehicle which is accessible to and usable by individuals with disabilities.''.

(p) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Section 3035(nn) of such Act is amended—

(1) in paragraph (1) by striking ''as follows:'' and all that follows through ''1994.'' and inserting ''and shall be $60,000,000.'';

(2) in paragraph (2) by striking ''as follows:'' and all that follows through the period at the end of subparagraph (C) and inserting ''and shall total $160,000,000.''; and

(3) in paragraph (3) by striking ''for fiscal year 1993''.

(q) DULLES CORRIDOR RAIL PROJECT.—Section 3035(aaa) of such Act is amended—

(1) by striking ''No later than April 30, 1992, the'' and inserting ''The''; and

(2) by striking ''the completion'' and all that follows through ''engineering for''.

(r) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—Section 3035(bbb) of such Act is amended to read as follows:

''(bbb) CENTRAL PUGET SOUND REGIONAL TRANSIT PROJECT.—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available $300,000,000 for the Central Puget Sound Regional Transit Project.''.

(s) CANAL STREET CORRIDOR LIGHT RAIL.—Section 3035(fff) of such Act is amended—

(1) by striking ''No later than April 30, 1992, the'' and inserting ''The''; and

(2) by striking ''negotiate'' and all that follows through ''includes'' and inserting ''make available''.

(t) ADDITIONAL TRANSIT PROJECTS.—

(1) CANTON-AKRON-CLEVELAND COMMUTER RAIL.—From funds made available under section 5309(m)(1)(B) of title 49, United States Code, the Secretary shall make available $6,500,000 for the Canton-Akron-Cleveland Commuter Rail project.

(2) CINCINNATI NORTHEAST/NORTHERN KENTUCKY RAIL.—From funds made available under such section, the Secretary shall make available $2,000,000 for the Cincinnati Northeast/Northern Kentucky Rail project.

(3) DART NORTH CENTRAL LIGHT RAIL EXTENSION.—From funds made available under such section, the Secretary shall make available $2,500,000 for the DART North Central Light Rail Extension project.

(4) DALLAS-FORT WORTH RAILTRAN.—From funds made available under such section, the Secretary shall make available $5,000,000 for the Dallas-Fort Worth RAILTRAN project.

(5) FLORIDA TRI-COUNTY COMMUTER RAIL.—From funds made available under such section, the Secretary shall make available $10,000,000 for the Florida Tri-County Commuter Rail project.

(6) MIAMI-NORTH 27TH AVENUE.—From funds made available under such section, the Secretary shall make available $2,000,000 for the Miami-North 27th Avenue project.

(7) MEMPHIS, TENNESSEE, REGIONAL RAIL PLAN.—From funds made available under such section, the Secretary shall make available $2,500,000 for the Memphis, Tennessee, Regional Rail Plan project.

(8) NEW ORLEANS CANAL STREET CORRIDOR.—From funds made available under such section, the Secretary shall make available $10,000,000 for the New Orleans Canal Street Corridor project.

(9) ORANGE COUNTY TRANSITWAY.—From funds made available under such section, the Secretary shall make available $5,000,000 for the Orange County Transitway project.

(10) WHITEHALL FERRY TERMINAL, NEW YORK, NEW YORK.—From funds made available under such section, the Secretary shall make available $5,000,000 for the Whitehall Ferry Terminal project.

(11) WISCONSIN CENTRAL COMMUTER.—From funds made available under such section, the Secretary shall make available $14,400,000 for the Wisconsin Central Commuter project.

(12) SAN JUAN, PUERTO RICO, TREN URBANO.—From funds made available under such section, the Secretary shall make available $15,000,000 for the San Juan, Puerto Rico, Tren Urbano project.

(13) TAMPA TO LAKELAND COMMUTER RAIL.—From funds made available under such section, the Secretary shall make available $1,000,000 for the Tampa to Lakeland Commuter Rail project.

SEC. 307. METROPOLITAN PLANNING FOR TRANSIT PROJECTS.

Section 5303(b) of title 49, United States Code, is amended by adding at the end the following:

''(16) recreational travel and tourism.''.

SEC. 308. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 5325 of title 49, United States Code, is amended by adding at the end the following:

''(e) SPECIAL RULES FOR ENGINEERING AND DESIGN CONTRACTS.—

''(1) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subsection (d), whether funded in whole or in part with Federal transit funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

''(2) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subsection (d) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this paragraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

''(3) STATE OPTION.—Paragraphs (1) and (2) shall take effect 2 years after the date of the enactment of this subsection with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such paragraphs shall not apply with respect to such State.''.

SEC. 309. FERRY BOATS AND TERMINAL FACILITIES.

Section 129(c)(5) of title 23, United States Code, is amended—

(1) by inserting before the period at the end of the first sentence the following: ''or between a point in a State and a point in the Dominion of Canada''; and

(2) in the second sentence by inserting after ''Puerto Rico'' the following: '', between a point in a State and a point in the Dominion of Canada,''.

SEC. 310. UTILIZATION OF THE PRIVATE SECTOR FOR SURVEYING AND MAPPING SERVICES.

Section 306 of title 23, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In''; and

(2) by adding at the end the following:

''(b) GUIDANCE.—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for highway projects under this title. In carrying out this subsection, the Secretary shall determine appropriate roles for State and private mapping and surveying activities, including—

''(1) preparation of standards and specifications;

''(2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;

''(3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and

''(4) establishing a schedule with quantifiable goals for increasing the use by the States of private sector sources for surveying and mapping activities.''.

SEC. 311. FORMULA GRANT PROGRAM.

(a) TRANSIT SECURITY SYSTEMS.—Section 5307(d)(1)(J)(i) of title 49, United States Code,

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is amended by inserting before ''and any other'' the following: ''employing law enforcement or security personnel in areas within or adjacent to such systems,''.

(b) FERRYBOAT OPERATIONS.—For purposes of calculating apportionments under section 5336 of title 49, United States Code, for fiscal years beginning after September 30, 1995, 50 percent of the ferryboat revenue vehicle miles and 50 percent of the ferryboat route miles attributable to service provided to the city of Avalon, California, for which the operator receives public assistance shall be included in the calculation of ''fixed guideway vehicle revenue miles'' and ''fixed guideway route miles'' attributable to the Los Angeles urbanized area under sections 5336(b)(2)(A) and 5335 of such title.

SEC. 312. ACCESSIBILITY OF OVER-THE-ROAD BUSES TO INDIVIDUALS WITH DISABILITIES.

Section 306(a)(2)(B)(iii) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)(iii)) is amended—

(1) in subclause (I) by striking ''7 years after the date of the enactment of this Act'' and inserting ''3 years after the date of issuance of final regulations under subparagraph (B)(ii)''; and

(2) in subclause (II) by striking ''6 years after such date of enactment'' and inserting ''2 years after the date of issuance of such final regulations''.

SEC. 313. ALASKA RAILROAD.

Section 5337(a)(3)(B) of title 49, United States Code, is amended by adding at the end the following: ''The Alaska Railroad is eligible for assistance under this subparagraph with respect to improvements to its passenger operations.''.

SEC. 314. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

(a) MASS TRANSIT TESTING.—Section 5331(b)(1)(A) of title 49, United States Code, is amended to read as follows:

''(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of mass transportation safety, the Secretary shall prescribe regulations that establish a program requiring mass transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such operations to conduct preemployment testing of such employees for the use of alcohol.''.

(b) RAILROAD TESTING.—Section 20140(b)(1)(A) of title 49, United States Code, is amended to read as follows:

''(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation; the regulations shall permit such railroad carriers to conduct preemployment testing of such employees for the use of alcohol; and''.

(c) MOTOR CARRIER TESTING.—Section 31306(b)(1)(A) of such title is amended to read as follows:

''(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.''.

(d) AVIATION TESTING.—

(1) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—Section 45102(a)(1) of title 49, United States Code, is amended to read as follows:

''(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct preemployment testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol.''.

(2) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—Section 45102(b)(1) of title 49, United States Code, is amended to read as follows:

''(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.''.

SEC. 315. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking ''the date of enactment of this section'' and inserting ''December 18, 1991''.

(b) BASIC GRANT ELIGIBILITY.—Section 410(d) of such title is further amended—

(1) in paragraph (3)—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B) A State shall be treated as having met the requirement of this paragraph if—

''(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

''(ii) the State demonstrates to the satisfaction of the Secretary—

''(I) that the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

''(II) that the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.''; and

(2) by adding at the end the following:

''(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.''.

(c) SUPPLEMENTAL GRANTS.—Section 410(f) of such title is amended by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively.

SEC. 316. SAFETY RESEARCH INITIATIVES.

(a) OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS.—

(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving performance of older drivers and other special driver groups.

(2) DEMONSTRATION ACTIVITIES.—In conducting the study under paragraph (1), the Secretary shall undertake demonstration activities which incorporate and build upon gerontology research related to the study of the normal aging process. The Secretary shall initially implement such activities in those States which have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

(3) COOPERATIVE AGREEMENT.—The Secretary shall carry out the study under paragraph (1) by entering into a cooperative agreement with an institution that has demonstrated competencies in gerontological research, population demographics, human factors related to transportation, and advanced technology applied to transportation.

(b) WORK ZONE SAFETY.—In carrying out the work zone safety program under section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

(1) Conferences to explore new techniques and stimulate dialogue for improving work zone safety.

(2) Creation of a national clearinghouse to assemble and disseminate, by electronic and other means, information relating to the improvement of work zone safety.

(3) A national promotional campaign in cooperation with the States to provide timely, site-specific information to motorists when construction workers are actually present.

(c) RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(1) STUDY.—The Secretary shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

(2) EQUIPMENT.—Equipment developed under the study to be conducted under subsection (a) shall be directed toward, but not limited to, advance warning to operators of all types of motor vehicles of—

(A) temporary obstructions in a highway;

(B) poor visibility and highway surface conditions caused by adverse weather; and

(C) movement of emergency vehicles.

(3) SAFETY APPLICATIONS.—In conducting the study under paragraph (1), the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.

SEC. 317. PUBLIC TRANSIT VEHICLES EXEMPTION.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) by striking ''2-year'' the first place it appears and all that follows through ''Act,'' and inserting ''period beginning on October 6, 1992, and ending on the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995,''; and

(2) by striking the second sentence.

SEC. 318. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) AREAS ELIGIBLE FOR FUNDS.—

(1) IN GENERAL.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting ''if the project or program is for an area in the State that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994 and'' after ''program'' the 2nd place it appears; and

(B) in paragraph (1)(A) by striking ''contribute'' and all that follows through ''; or'' and inserting the following: ''contribute to—

''(i) the attainment of a national ambient air quality standard; or

''(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or''.

(2) APPORTIONMENT.—Section 104(b)(2) of title 23, United States Code, is amended—

(A) in the second sentence, by striking ''is a nonattainment area (as defined in the Clean Air Act) for ozone'' and inserting ''was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994''; and

(B) in the third sentence—

(i) by striking ''is also'' and inserting ''was also''; and

(ii) by inserting ''during any part of fiscal year 1994'' after ''monoxide''.

(b) EFFECT OF LIMITATION ON APPORTIONMENT.—Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, any limitation under an amendment made by this section on an apportionment of funds otherwise authorized under section 1003(a)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) shall not affect any hold harmless apportionment adjustment under section 1015(a) of such Act (105 Stat. 1943).

SEC. 319. QUALITY IMPROVEMENT.

(a) LIFE-CYCLE COST ANALYSIS.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

''(e) LIFE-CYCLE COST ANALYSIS.—

''(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of all projects on the National Highway System with an estimated total cost of $25,000,000 or more.

''(2) ANALYSIS OF LIFE-CYCLE COSTS DEFINED.—In this subsection, the term 'analysis of life-cycle costs' means a process for evaluating the total economic worth of one or more projects by analyzing both initial costs as well as discounted future costs, such as maintenance, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project or projects.''.

(b) VALUE ENGINEERING.—Such section is further amended by adding at the end the following:

''(f) VALUE ENGINEERING FOR NHS.—

''(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System with an estimated total cost of $25,000,000 or more.

''(2) VALUE ENGINEERING DEFINED.—For purposes of this subsection, the term 'value engineering analysis' means a systematic process of review and analysis of a project or activity during its design phase by a multidisciplined team of persons not originally involved in the project or activity in order to provide suggestions for reducing the total cost of the project or activity and providing a project or activity of equal or better quality. Such suggestions may include a combination or elimination of inefficient or expensive parts of the original proposed design for the project or activity and total redesign of the proposed project or activity using different technologies, materials, or methods so as to accomplish the original purpose of the project or activity.''.

SEC. 320. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(j) of title 23, United States Code, is amended by striking ''plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.'' and inserting the following: ''plan for—

''(1) the implementation of a national ambient air quality standard for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

''(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).''.

(b) CLEAN AIR ACT REQUIREMENTS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

''(5) APPLICABILITY.—This subsection shall apply only with respect to—

''(A) a nonattainment area and each specific pollutant for which the area is designated as a nonattainment area; and

''(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.''.

SEC. 321. QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

''(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

''(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

''(E) STATE OPTION.—Subparagraphs (C) and (D) shall take effect 2 years after the date of the enactment of this subparagraph with respect to all States; except that if a State, during such 2-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to such State.''.

(b) REPEAL OF PILOT PROGRAM.—Section 1092 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 112 note; 105 Stat. 2024) is repealed.

SEC. 322. APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection.''.

SEC. 323. TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled ''An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa'', approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

SEC. 324. METRIC REQUIREMENTS AND SIGNS.

(a) PLACEMENT OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to construct, erect, or otherwise place any sign relating to any speed limit, distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(b) MODIFICATION OF SIGNS.—Before September 30, 1997, the Secretary may not require the States to expend any Federal or State funds to modify any sign relating to any speed limit, any distance, or other measurement on any highway for the purpose of having such sign establish such speed limit, distance, or measurement using the metric system.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) HIGHWAY.—The term ''highway'' has the meaning such term has under section 101 of title 23, United States Code.

(2) METRIC SYSTEM.—The term ''metric system'' has the meaning the term ''metric system of measurement'' has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

SEC. 325. ISTEA TECHNICAL CLARIFICATION.

Section 131(s) of title 23, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: ''; except that nothing in this subsection or section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 shall restrict, or otherwise be applied by the Secretary to affect, the authority of a State under subsection (d) of this section with respect to commercial or industrial areas or the authority of a State under subsection (k) of this section to establish standards imposing stricter limitations than those established in this subsection.''.

SEC. 326. METROPOLITAN PLANNING FOR HIGHWAY PROJECTS.

Section 134(f) of title 23, United States Code, is amended by adding at the end the following:

''(16) Recreational travel and tourism.''.

SEC. 327. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

Section 144(l) of title 23, United States Code, is amended by adding at the end the following: ''Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.''.

SEC. 328. DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN REPORTS AND SURVEYS.

Section 409 of title 23, United States Code, is amended by inserting ''or collected'' after ''compiled''.

SEC. 329. NATIONAL RECREATIONAL TRAILS.

(a) STATE ELIGIBILITY.—Section 1302(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (33 U.S.C. 1261(c)) is amended—

(1) by striking ''Act'' each place it appears and inserting ''part'';

(2) in paragraph (2) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(3) by adding at the end the following:

''(3) SIXTH YEAR PROVISION.—On and after the date that is 5 years after the date of the enactment of this part, a State shall be eligible to receive moneys under this part in a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in such fiscal year.''.

(b) ADMINISTRATIVE COSTS.—Section 1302(d)(1) of such Act (33 U.S.C. 1261(d)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) contracting for services with other land management agencies; and''.

(c) ENVIRONMENTAL MITIGATION.—

(1) IN GENERAL.—Section 1302(e) of such Act (33 U.S.C. 1261(e)) is amended—

(A) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively; and

(B) by inserting after paragraph (4) the following:

''(5) ENVIRONMENTAL MITIGATION.—

''(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State shall give priority to project proposals which provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

''(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A).''.

(2) CONFORMING AMENDMENT.—Section 1302(e)(4) of such Act (33 U.S.C. 1261(e)(4)) is amended by striking ''paragraphs (6) and (8)(B)'' and inserting ''paragraphs (7) and (9)(B)''.

(d) EXCLUSIONS.—Section 1302(e)(7) of such Act, as redesignated by subsection (c), is amended—

(1) by striking ''(7) SMALL STATE EXCLUSION.—'' and inserting the following:

''(7) EXCLUSIONS.—

''(A) SMALL STATE.—'';

(2) by moving the text of subparagraph (A), as designated by paragraph (1), 2 ems to the right; and

(3) by adding at the end the following:

''(B) BEST INTEREST OF A STATE.—Any State which determines based on trail needs identified in its State Comprehensive Outdoor Recreation Plan that it is in the best interest of the State to be exempt from the requirements of paragraph (4) may apply to the Secretary for such an exemption. Before approving or disapproving an application for such an exemption, the Secretary shall publish in the Federal Register notice of receipt of the application and provide an opportunity for public comment on the application.''.

(e) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9) of such Act, as redesignated by subsection (c), is amended—

(1) by inserting ''the State'' before ''may be exempted''; and

(2) by striking ''and expended or committed'' and all that follows before the period.

(f) ADVISORY COMMITTEE.—Section 1303(b) of such Act (16 U.S.C. 1262(b)) is amended—

(1) by striking ''11 members'' and inserting ''12 members'';

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(3) by inserting after paragraph (1) the following:

''(2) 1 member appointed by the Secretary representing individuals with disabilities;''.

SEC. 330. IDENTIFICATION OF HIGH PRIORITY CORRIDORS.

(a) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking paragraph (5) and inserting the following:

''(5)(A) I–73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan. The Sault Ste. Marie terminus shall be reached via a corridor connecting Adrian, Jackson, Lansing, Mount Pleasant, and Grayling, Michigan.

''(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

''(I) United States Route 220 from the Virginia-North Carolina border to I–581 south of Roanoke;

''(II) I–581 to I–81 in the vicinity of Roanoke;

''(III) I–81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

''(IV) United States Route 460 to the West Virginia State line.

''(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

''(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

''(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

''(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

''(I) in the case of I–73—

''(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

''(bb) State Route 68 to I–40;

''(cc) I–40 to United States Route 220 in Greensboro;

''(dd) United States Route 220 to United States Route 1 near Rockingham;

''(ee) United States Route 1 to the South Carolina State line; and

''(ff) South Carolina State line to Charleston, South Carolina; and

''(II) in the case of I–74—

''(aa) I–77 from Bluefield, West Virginia, to the junction of I–77 and the United States Route 52 connector in Surry County, North Carolina;

''(bb) the I–77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

''(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

''(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina.

''(ee) United States Route 220 to United States Route 74 near Rockingham;

''(ff) United States Route 74 to United States Route 76 near Whiteville;

''(gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and

''(hh) South Carolina State line to Charleston, South Carolina.'';

(2) in paragraph (18)—

(A) by striking ''and'';

(B) by inserting ''Arkansas,'' after ''Tennessee,''; and

(C) by inserting before the period at the end the following: '', and to the Lower Rio Grande Valley at the border between the United States and Mexico'';

(3) by inserting before the period at the end of paragraph (20) the following: '', and to include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181''; and

(4) by adding at the end the following:

''(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.

''(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa,

to Minneapolis, Minnesota, to Duluth, Minnesota.

''(24) The Dalton Highway from Deadhorse, Alaska to Fairbanks, Alaska.

''(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.

''(26) The CANNAMEX CORRIDOR from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Great Falls, Montana, to the Canadian Border as follows:

''(A) In the State of Arizona, the CANAMEX CORRIDOR shall generally follow—

''(i) I–19 from Nogales to Tucson;

''(ii) I–10 from Tucson to Phoenix; and

''(iii) United States Route 93 from Phoenix to the Nevada Border.

''(B) In the State of Nevada, the CANAMEX CORRIDOR shall follow—

''(i) United States Route 93 from the Arizona Border to Las Vegas; and

''(ii) I–15 from Las Vegas to the Utah Border.

''(C) From the Utah Border to the Canadian Border, the CANAMEX CORRIDOR shall follow I–15.''.

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e) of such Act (105 Stat. 2033) is amended by adding at the end the following:

''(5) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Where not a part of the Interstate System, the routes referred to in clauses (i), (ii), and (iii) of subsection (c)(5)(B) (other than the portion located in the State of West Virginia), in subsection (c)(9), and in subsections (c)(18) and (c)(20) are hereby designated future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment—

''(A) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

''(B) connects to an existing Interstate System segment and functions as a safe and usable segment.''.

SEC. 331. HIGH PRIORITY CORRIDOR FEASIBILITY STUDIES.

(a) EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.—Section 1105(e)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033) is amended by adding at the end the following new sentence: ''A feasibility study may be conducted under this subsection to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.''.

(b) EAST-WEST TRANSAMERICA CORRIDOR.—With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads-Norfolk area.

SEC. 332. HIGH COST BRIDGE PROJECTS.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended—

(1) in item number 5, relating to Gloucester Point, Virginia, by inserting after ''York River'' the following: ''and for repair, strengthening, and rehabilitation of the existing bridge''; and

(2) in item number 10, relating to Shakopee, Minnesota, by inserting ''project, including the bypass of'' after ''replacement''.

SEC. 333. CONGESTION RELIEF PROJECTS.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—

(1) in item number 1, relating to Long Beach, California, by striking ''HOV Lanes on'' and inserting ''downtown Long Beach access ramps into the southern terminus of'';

(2) in item number 10, relating to San Diego, California, by striking ''1 block of Cut and Cover Tunnel on Rt. 15'' and inserting ''bridge decking on Route 15'';

(3) in item number 23, relating to Tucson, Arizona, by inserting '', of which a total of $3,609,620 shall be available for the project authorized by item number 74 of the table contained in section 1106(b)'' after ''in Tuscon, Arizona''; and

(4) in item number 43, relating to West Virginia, by striking ''Coal Fields'' and inserting ''Coalfields''.

SEC. 334. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

Section 1105(c)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by inserting before the period at the end the following: ''commencing on the Atlantic Coast in the Hampton Roads-Norfolk area going westward across Virginia to a West Virginia corridor centered around Beckley to Welch as part of the Coalfields Expressway described in section 1069(v), then to Williamson sharing a common corridor with the I–73/74 Corridor (referred to in item 12 of the table contained in subsection (f)), then to a Kentucky Corridor centered on the cities of Pikeville, Jenkins, Hazard, London, Somerset, Columbia, Bowling Green, Hopkinsville, Benton, and Paducah, into Illinois, and into Missouri and exiting Western Missouri and entering the southeast corner of Kansas''.

SEC. 335. HIGH PRIORITY CORRIDOR PROJECTS.

The table contained in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033–2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after ''For'' the following: ''the segment described in item 6 of this table and up to $11,000,000 for'';

(2) in item 2, relating to Alabama, Georgia, Mississippi, Tennessee, by inserting after ''Rt. 72'' the following: ''and up to $1,500,000 from the State of Alabama's share of the project for modification of the Keller Memorial Bridge in Decatur, Alabama, to a pedestrian structure''; and

(3) in item number 26, relating to Indiana, Kentucky, Tennessee, by striking ''Newberry'' and inserting ''Evansville''.

SEC. 336. RURAL ACCESS PROJECTS.

The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2042) is amended—

(1) in item number 34, relating to Illinois, by striking ''Resurfacing'' and all that follows through ''Omaha'' and inserting ''Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County'';

(2) in item number 52, relating to Bedford Springs, Pennsylvania, by striking ''and Huntington'' and inserting ''Franklin, and Huntingdon'';

(3) in item number 61, relating to Lubbock, Texas, by striking ''with Interstate 20'' and inserting ''with Interstate 10 through Interstate 20 and Interstate 27 north of Amarillo to the Texas/Oklahoma border'';

(4) in item number 71, relating to Chautauqua County, New York, by inserting ''and other improvements'' after ''expressway lanes'';

(5) in item number 75, relating to Pennsylvania, by striking ''Widen'' and all that follows through ''lanes'' and inserting ''Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania'';

(6) in item number 93, relating to New Mexico, by striking ''Raton-Clayton Rd., Clayton, New Mexico'' and inserting ''U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line''; and

(7) in item number 111, relating to Parker County, Texas (SH199)—

(A) by striking ''Parker County'' and inserting ''Parker and Tarrant Counties''; and

(B) by striking ''to four-'' and inserting ''in Tarrant County, to freeway standards and in Parker County to a 4-''.

SEC. 337. URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043–2047) is amended—

(1) in item number (9), relating to New York, New York, by striking ''Improvements'' and all that follows through ''NY'' and inserting ''Projects in New York City, New York (other than improvements to the Miller Highway)'';

(2) in item number 13, relating to Joliet, Illinois, by striking ''and construction and interchange at Houbolt Road and I–80'';

(3) in item number 36, relating to Compton, California, by striking ''For a grade'' and all that follows through ''Corridor'' and inserting ''For grade separations and other improvements in the city of Compton, California''; and

(4) in item number 52, relating to Chicago, Illinois, by striking ''Right-of-way'' and all that follows through ''Connector)'' and inserting ''Reconstruct the Michigan Avenue viaduct''.

SEC. 338. INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048–2059) is amended—

(1) in item 19, relating to Water Street, Pennsylvania—

(A) by striking ''Water Street,''; and

(B) by inserting '', or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania'' after ''Pennsylvania'' the second place it appears;

(2) in item 20, relating to Holidaysburg, Pennsylvania—

(A) by striking ''Holidaysburg,'' the first place it appears; and

(B) by inserting '', or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania'' after ''Pennsylvania'' the second place it appears;

(3) in item number 24, relating to Pennsylvania, by inserting after ''line'' the following: ''and for the purchase, rehabilitation, and improvement of any similar existing facility within a 150-mile radius of such project, as selected by the State of Pennsylvania'';

(4) in item number 29, relating to Blacksburg, Virginia, by inserting ''methods of facilitating public and private participation in'' after ''demonstrate'';

(5) in item number 35, relating to Alabama, by striking ''to bypass'' and all that follows through ''I–85'' and inserting ''beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I–65 south of Montgomery and I–85 east of Montgomery'';

(6) in item 49, relating to Suffolk County, New York, by inserting after ''perimeters'' the following: ''and provide funds to the towns of Brookhaven, Riverhead, Smithtown, East Hampton, Southold, Shelter Island, and Southampton for the purchase of vehicles to meet the transportation needs of the elderly and persons with disabilities'';

(7) in item number 52, relating to Pennsylvania, by striking ''2'' and all that follows through ''Pennsylvania'' and inserting ''or rehabilitate (or both) highway and transportation infrastructure projects within 30 miles of I–81 or I–80 in northeastern Pennsylvania'';

(8) in item number 61, relating to Mojave, California, by striking ''Mojave'' and inserting ''Victorville'' and by inserting ''Mojave'' after ''reconstruct'';

(9) in item number 68, relating to Portland/S. Portland, Maine—

(A) by striking ''Portland/S. Portland,''; and

(B) by inserting after ''Bridge'' the following: ''and improvements to the Carlton Bridge in Bath-Woolworth'';

(10) in item number 76, relating to Tennessee, by inserting ''Improved access to'' before ''I–81'' and striking ''Interchange'' and inserting after ''Tennessee'' the following: ''via improvements at I–181/Eastern Star Road and I–81/Kendrick Creek Road'';

(11) in item number 100, relating to Arkansas, by striking ''Thornton'' and inserting ''Little Rock'';

(12) in item number 113, relating to Durham County, North Carolina, by inserting after ''Route 147'' the following: '', including the interchange at I–85'';

(13) in item number 114, relating to Corpus Christi to Angleton, Texas, by striking ''Construct new multi-lane freeway'' and inserting ''Construct a 4-lane divided highway'';

(14) in item number 193, relating to Corning, New York, by inserting ''and other improvements'' after ''expressway lanes''; and

(15) in item 196, relating to Orlando, Florida—

(A) by striking ''Orlando,''; and

(B) by striking ''Land'' and all that follows through ''project'' and inserting ''One or more regionally significant, intercity ground transportation projects''.

SEC. 339. INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060–2063) is amended—

(1) in item number 12, relating to Buffalo, New York, by inserting after ''Project'' the following: ''and the Crossroads Arena Project''; and

(2) in item number 31, relating to Los Angeles, California, by striking ''To improve ground access from Sepulveda Blvd. to Los Angeles, California'' and inserting the following: ''For the Los Angeles International Airport central terminal ramp access project, $3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, $3,500,000; for the widening of Aviation Boulevard north of Imperial Highway, $1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, $950,000''.

SEC. 340. MISCELLANEOUS REVISIONS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) CALIFORNIA.—Section 149(a)(69) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) in the first sentence by striking ''highway'';

(2) in the first sentence by striking ''and construction of terminal and parking facilities at such airport''; and

(3) by striking ''by making'' in the second sentence and all that follows through the period at the end of such sentence and inserting the following: ''by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.''.

(b) LOUISIANA.—

(1) RURAL ACCESS PROJECT.—

(A) RESCISSION.—Effective October 1, 1995, the unobligated balances on September 30, 1995, of funds made available for section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; relating to West Calcasieu Parish, Louisiana) are hereby rescinded.

(B) FUNDING.—Item number 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038), relating to Lake Charles, Louisiana, is amended by striking ''4.1'' and inserting ''8.8''.

(2) I–10 EXIT RAMP AND OTHER PROJECTS.—Section 149(a)(89) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191) is amended—

(A) by inserting ''AND LAKE CHARLES'' after ''LAFAYETTE'' in the paragraph heading; and

(B) by inserting before the period at the end ''and, of amounts made available to carry out this paragraph, may use up to $456,022 to carry out a comprehensive transportation and land use plan for Lafayette, Louisiana, $1,000,000 to carry out a project to construct an exit ramp from the eastbound side of Interstate Route I–10 to Ryan Street in Lake Charles, Louisiana, and $269,661 under this paragraph for projects described in section 149(a)(90)''.

(3) CONTRABAND BRIDGE.—Section 149(a)(90) of such Act (101 Stat. 191) is amended—

(A) by inserting ''AND LAKE CHARLES'' after ''LAFAYETTE'' in the paragraph heading; and

(B) by inserting ''and a project to construct the Contraband Bridge portion of the Nelson Access Road Project'' before the period at the end.

(c) PENNYSLVANIA.—Section 149(a)(74) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 192) is amended by inserting before the period at the end the following: ''and other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon, Pennsylvania''.

(d) MARYLAND.—Section 149(a)(92) of such Act (101 Stat. 194) is amended—

(1) by striking ''UNITED STATES ROUTE 48'' and inserting ''WASHINGTON AND FREDERICK COUNTIES''; and

(2) by inserting ''and to construct an interchange between Interstate Route I–70 and Interstate Route I–270 in Frederick County, Maryland'' after ''Mountain Road''.

(e) BUS TESTING FACILITY.—Section 5318 of title 49, United States Code, is amended—

(1) in subsection (b) by inserting ''or cooperative agreement'' after ''contract'' each place it appears; and

(2) by adding at the end the following:

''(f) CONVERSION OF CONTRACTS.—The Secretary may convert existing contracts entered into under this section into cooperative agreements.''.

SEC. 341. ELIGIBILITY.

(a) EXISTING PROJECT.—Section 108(b) of the Federal-Aid Highway Act of 1956 (23 U.S.C. 101 note) is amended—

(1) by striking ''(1)'' before ''such costs may be further''; and

(2) by striking '', and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street''.

(b) OTHER EXISTING PROJECTS.—

(1) RECONSTRUCTION AND WIDENING.—The project authorized by section 162 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2136) shall include reconstruction and widening to 6 lanes of existing Interstate Route 95 and of the Pennsylvania Turnpike from United States Route 1 to the junction with the New Jersey Turnpike.

(2) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable on account of the project referred to in paragraph (1), including the additional through roadway and bridge travel lanes, shall be 90 percent of the cost of the project.

(3) TOLLS.—Notwithstanding section 301 of title 23, United States Code, the project for construction of an interchange between the Pennsylvania Turnpike and Interstate Route 95, including the widening of the Pennsylvania Turnpike, shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title and tolls may be continued on all traffic on the Pennsylvania Turnpike between United States Route 1 and the New Jersey Turnpike.

(c) TYPE II NOISE BARRIERS.—No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers (as defined by section 772.5(i) of title 23, Code of Federal Regulations) pursuant to sections 109 (h) and (i) of title 23, United States Code if such barriers were not part of a project approved by the Secretary before the date of the enactment of this Act.

SEC. 342. ORANGE COUNTY, CALIFORNIA, TOLL ROADS.

The Secretary shall enter into an agreement modifying the agreement entered into pursuant to section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–338) to conform such agreement to the provisions of section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103–331). Nothing in this section shall be construed to change the amount of the previous appropriation in such section 339, and the line of credit provided for shall not exceed an amount supported by the previous appropriation. In implementing such sections 336 and 339, the Secretary may enter into an agreement requiring an interest rate that is higher than the rate specified in such sections.

SEC. 343. MISCELLANEOUS STUDIES.

(a) PAN AMERICAN HIGHWAY.—

(1) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(2) ELEMENTS.—The study to be conducted under paragraph (1) shall include, at a minimum, the following elements:

(A) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(B) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(C) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(D) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(E) Findings on the benefits to United States industry through the use of United States technology and equipment in construction of improvements to the Pan American Highway.

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(F) Findings on environmental considerations, including environmental considerations relating to the Darien Gap.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection.

(b) HIGHWAY SIGNS FOR NATIONAL HIGHWAY SYSTEM.—The Secretary shall conduct a study to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System. In conducting such study, the Secretary shall make a determination concerning whether to identify National Highway System route numbers.

(c) COMPLIANCE WITH BUY AMERICAN ACT.—

(1) STUDY.—The Secretary shall conduct a study on compliance with the provisions of the Buy American Act (41 U.S.C. 10a–10c) with respect to contracts entered into using amounts made available from the Highway Trust Fund.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

SEC. 344. COLLECTION OF BRIDGE TOLLS.

Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 345. NATIONAL DRIVER REGISTER.

Section 30308(a) of title 49, United States Code, is amended by striking ''and $2,550,000 for fiscal year 1995'' and inserting ''and $2,550,000 for each of fiscal years 1995 and 1996''.

SEC. 346. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a) by striking ''median'' and inserting ''or temporary crashworthy'';

(2) in subsection (a) by inserting ''crashworthy'' after ''innovative'';

(3) in the heading of subsection (c) by inserting ''CRASHWORTHY'' after ''INNOVATIVE'';

(4) in subsection (c) by inserting ''crashworthy'' after ''innovative'';

(5) in subsection (c) by striking ''median'';

(6) by inserting ''or guiderail'' after ''guardrail''; and

(7) by inserting before the period at the end of subsection (c) '', and meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers''.

SEC. 347. MOTORIST CALL BOXES.

(a) EFFECTIVE CONTROL.—Section 131(c) of title 23, United States Code, is amended—

(1) by striking ''and (5)'' and inserting the following: ''(5) signs, displays, and devices identifying and announcing free motorist aid call boxes and advertising their sponsorship by corporations or other organizations, and (6)''; and

(2) by adding at the end the following new sentence: ''The Secretary shall ensure that spacing of signs, displays, and devices announcing motorist aid call boxes is reasonable.''.

(b) SPECIFIC SERVICE SIGNS.—Section 131(f) of title 23, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'specific information in the interest of the traveling public' includes identification, announcement, and sponsorship of motorist aid call boxes.''.

SEC. 348. REPEAL OF NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.

Sections 141(a) and 154 of title 23, United States Code, and the item relating to section 154 in the analysis to chapter 1 of such title are repealed.

SEC. 349. ELIMINATION OF PENALTY FOR NONCOMPLIANCE FOR MOTORCYCLE HELMETS.

Subsection (h) of section 153 of title 23, United States Code, is amended by striking ''a law described in subsection (a)(1) and'' each place it appears.

SEC. 350. SAFETY REST AREAS.

Section 120(c) of title 23, United States Code, is amended by inserting ''safety rest areas,'' after ''signalization,''.

SEC. 351. EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS.

(a) EXEMPTIONS.—

(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 50 air mile radius from the source of the commodities or the distribution point for the farm supplies and is during the planting and harvesting seasons within such State, as determined by the State.

(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(4) SNOW AND ICE REMOVAL.—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

(b) EFFECTIVE DATE.—The provisions of subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(c) REVIEW BY THE SECRETARY.—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, then the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) 8 CONSECUTIVE DAYS.—The term ''8 consecutive days'' means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) 24-HOUR PERIOD.—The term ''24-hour period'' means any 24-consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) GROUND WATER WELL DRILLING RIG.—The term ''ground water well drilling rig'' means any vehicle, machine, tractor, trailer, semitrailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(4) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—The term ''transportation of construction materials and equipment'' means the transportation of construction materials, construction finished related products, construction personnel, and construction equipment by a driver within a 50 air mile radius of the normal work reporting location of the driver.

(5) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term ''eligible unit of local government'' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

SEC. 352. TRAFFIC CONTROL SIGNS.

Traffic control signs erected under the experimental project conducted in the State of Oregon in December 1991 shall be deemed to comply with the requirements of section 2B–4 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

SEC. 353. BRIGHTMAN STREET BRIDGE, FALL RIVER HARBOR, MASSACHUSETTS.

Notwithstanding any other provision of law, the Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel width of less than 300 feet.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment, No. 27.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. RAHALL: Strike section 348.

The CHAIRMAN. Pursuant to the unanimous-consent agreement, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

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

Mr. Chairman, the bill before us contains a provision that would simply repeal the national speed limit. Plain and simple, it repeals the national speed limit.

Under this provision, then, the States could set no speed limit whatsoever. No speed limit whatsoever. Or

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they could establish a speed limit of 100 miles per hour or whatever.

Despite the fact that proponents of eliminating the national speed limit often couch their proposal in terms of this being a matter of States' rights, the bottom line, in my view, is that it is a matter of saving lives; and that, my colleagues, should take precedence over any of these idealistic assumptions over the role of State and Federal Governments. For let there be no doubt in anyone's mind, the effort to repeal the national speed limit represents nothing other than an attempt to increase speed limits.

Today, Mr. Chairman, 1,000 people are slaughtered each month on our Nation's highways in speed-related crashes, That is 12,000 deaths each year due to traveling at high speeds. This, I say to my colleagues, is under the existing 55 mile per hour national speed limit with 65 possible on rural interstate segments.

It should be obvious that the death toll will rise once the States begin increasing the maximum speed limit under the provision of this bill.

The enactment of the bill's repeal provision would, in effect, turn our Nation's highways into killing fields. It will turn our highways into killing fields.

I say to my colleagues, this is not a matter of State rights. It is a matter of human rights. The Federal Government paid 90 percent of the cost of constructing the Interstate System, and it still pays that amount to maintain it. There is, as such, a justifiable Federal role in ensuring the safety of those traveling on this system.

In addition, the interstates are just that, they are interstates. They are not intrastates. Cars traveling to the borders of States do not bounce around and go back and stay within that State. They travel across State lines.

We are talking about a Federal responsibility here. People traveling across State lines should not be subject to the dictates of any individual State.

So, again, I hardly see where a matter involving interstate transportation can be viewed as an intrusion of States rights; and I would urge that this type of rhetoric that we will hear during debate on this amendment be dismissed outright.

For these reasons, the amendment I am offering would strike the proposed repeal of the national speed limit; and it would maintain existing law.

I might add as well, Mr. Chairman, that Members have before them a letter from our Secretary, very fine Secretary of Transportation, Mr. Pena, stating the administration's opposition to removal of the national speed limit.

I say in addition to that fact we have in this Chamber today the administrator of our Federal Highway Administration, Mr. Rodney Slater, who has been very helpful to us in this legislation and will continue to be as we go on down the process. And he, as well, has expressed his very strong concerns about the removal of the national speed limit.

I would urge acceptance of this amendment, which returns to the law as we know it today, a law that has saved lives.

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

Mr. Chairman, I must oppose this amendment which would strike from H.R. 2274 the repeal of the national maximum speed limit and associated penalties.

We have already seen what happens when motorists believe that a particular speed limit is too low for the conditions of a road—they exceed the limit. How many Americans drive faster than 55 miles per hour? The recent increase to 65 miles per hour on some of our rural interstates simply made legal the status quo—we already were driving 65.

Let me be clear that if we remove the national maximum speed limit, we will not find ourselves with no speed limits on any roads as you might think from listening to some. The States will step in and take up this responsibility which is the way it should be. A one-size-fits-all approach has proven to be very frustrating from many States and motorists. What is an appropriate speed for the urban Northeast may not be appropriate for certain areas in Montana, or Texas, or other more desolate regions in the country.

I cannot understand why some seem to believe that only Washington is capable of setting speed limits. Do we really believe that States are not capable of doing this, that the States do not care just as much, if not more, for the safety and well-being of motorists in their States?

By repealing the national maximum speed limit, we will once again allow the States, based on their own intimate knowledge of particular road designs, conditions, location, and other relevant factors, to determine the appropriate speed limit for each of their roads.

I believe the States are capable of this, that they are concerned about the safety of their citizens and that they will act responsibly and in the best interests of motorists.

I urge the House to defeat this amendment.

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

I have noted the ranking minority member's opposition to this amendment, Mr. Chairman, but I know that we had this issue debated in full committee, and we had, as I am sure we do on the floor, the very strong support for this amendment and vehement opposition to lifting the speed limit from the chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], and I know he will make his position known before the day is over.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the ranking minority member.

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

Mr. MINETA. Mr. Chairman, I rise in strong support of the Rahall amendment. Quite simply, this amendment is a lifesaver. And, it is critical to controlling taxes and government spending.

My colleagues opposing this amendment will tell you that repealing the national speed limit does not actually raise a single speed limit. In fact, at least five States already have laws that immediately increase their speed limits, if we repeal the national limit. These very same States already have some of the highest rates of speed-related deaths in the country.

For example, Oklahoma's speed limit will increase to 70 miles per hour on interstates and 65 on secondary roads. Oklahoma already has the highest percentage of speed-related deaths in the country, 48 percent of all highway deaths, with current maximums in place. Imagine what the percentage will be with a 70-mile-per-hour limit. In California, my own home State, where legislators are already talking about speed limits up to 70 miles per hour, 40 percent of all highway deaths are speed-related.

Also, we can look at the situation before Congress enacted the national maximum speed limit. Only one State, New York, had a 55 mile per hour speed limit. Most States had limits of 70 miles per hour or greater. Two States, Montana and Nevada, had no limit whatsoever. And, we had over 54,000 highway deaths.

When the national limit took effect, highway deaths dropped by over 9,000, the very first year, 16 percent compared to a 2 percent drop in vehicle miles traveled.

My colleagues will argue that cars are safer today and therefore, higher speeds are safer than they used to be. That may be true, but no car has yet been built that will fully protect the occupants. Higher speeds increase the likelihood of a crash. Stopping distances are longer, and impact speeds are greater. When speed limits increased on some rural interstates after the 1987 change, hundreds more fatalities occurred, causing nearly $1 billion in additional costs.

Moreover, as speed increases, the impact force increases exponentially, increasing the likelihood of serious injury. This relationship holds no matter what safety equipment is on the car. It is a fundamental law of physics that this Congress cannot repeal. The National Highway Traffic Safety Administration estimates that raising the speed limit just to 65 miles per hour on all roads will lead to more than 6,400 additional deaths and nearly $20 billion higher total costs, every year. That is with the safety equipment on today's cars. This bill will result in far more deaths and far greater costs, because it would allow speed limits of far more than 65 miles per hour.

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My colleagues opposing this amendment will argue that this issue is not about death and injury. They say that States and local governments can understand the body counts, just as well as Federal elected officials. They present this as simply a states' rights issue.

But the truth is that the results of repealing all Federal speed limits are not confined within the boundaries of the States that raise their speed limits. These results are not confined to the individuals who drive higher speeds. We all pay. The current number of speed-related crashes already costs $24 billion, every year. We pay through higher taxes to fund Medicare and Medicaid for those who need long-term care due to severe injuries. We pay through higher prices for goods and services, because employers pay for sick leave for their employees and lost productivity.

Our actions are not self-contained. We are members of communities, in which individual actions impose costs and burdens on others. This amendment will impose substantial new burdens on taxpayers—its that simple. When one State raises its speed limits, taxpayers in all States will pay the costs.

The original purpose of today's bill is to designate the National Highway System, roads of national significance. No one is questioning this concept, roads of national significance. No one here is arguing that the Federal Government should stop funding highway programs.

To then argue that there is no national interest in the safety of these very same roads makes no sense. Therefore, I must strongly urge my colleagues to support the Rahall amendment.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Chairman, this is one of the most important amendments we are going to consider on this National Highway System legislation. In this amendment we are dealing with the lives, livelihoods, and family life of drivers on America's highways. Those who are involved in accidents such as the driver of the car that caused the accident or the driver or passenger in another vehicle that was struck by the errant driver suffer long-term consequences, loss of mobility, loss of income, high cost of hospitalization, and, of course the ultimate tragedy, loss of life.

Several years ago when we first considered in this Chamber during my service in the Congress legislation to extend the drive 55 highway speed limit, I happened to be out in the southern part of my district meeting with Minnesota Highway Patrol officers. One of them had just come back from a tragic accident, a high speed accident on the highway. I said: ''the day after tomorrow we are going to consider the matter of limiting speed on America's highways and keepin the drive 55 limit in place.''

This officer looked me square in the eye with the burden of that tragedy still in his mind and blood on his uniform, and he said,

> It is at speeds of 75 and 80 and 85 when we see the torn aortas, and you cannot put them back together again, when the victim is lying there bleeding uncontrollably in a tangled mass of steel and you cannot cut him out soon enough to save the life. And if you allow at the national level the States to raise the speed limits, they will, and we will, out on the highway, be seeing more deaths and more tragedies and more broken families and more broken lives.

Our former chairman, the late Jim Howard, in the debate in committee and on the House floor, said there are few occasions in your career in public service when you have an opportunity to save 5,000 lives a year. This is one of those opportunities. We can save a minimum of 5,000 lives by keeping the highway speed limit in place.

I know that the thrust and the drive in this 104th Congress is to give States more responsibility, turn these authorities over to them, and that Congress should not set national standards, limits, requirements. But we, too, are responsible at the national level for what happens on America's highways. We, too, pass legislation. We impose the fuel tax, we set the conditions under which our National Highway System is constructed and operated, and we have a responsibility to the same people in our respective States that our Governors and State legislators have.

My vote in this Chamber is not relevant just to Minnesota; it is relevant to the whole country, as is the vote of every other Member in this Chamber. I have a responsibility to safety on the highways in every State, not just in Minnesota. At the dawn of the interstate era, when the Congress was considering establishing the national system of interstate and defense highways, the death toll on America's highways was going up at such a rate that it was estimated, if we did not build such a system of safe highways, in 15 years we would be killing 108,000 people a year on the Nation's highways. That was in 1956. The death toll went up to as high as 57,000 on the Nation's highways, until the energy crisis caused us, for reasons of energy conservation, to lower the speed limit to 55. Then we found the hidden benefit, that lowering the speed limit, as everybody knew and suspected but did not have the public courage to act upon, would save lives. And it did. Dramatically, the speed limit caused a lowering of the death rate.

As chair of the Subcommittee on Oversight and Investigations, I held hearings on highway safety, on roadside hazards that are built into the highway system that cause deaths when a person loses control of a car. We have made a great deal of progress in removing roadside hazards, in building safer highways, hazards that may occur when a person falls asleep at the wheel, or is otherwise distracted, caught in a snowstorm or rainstorm, and leaves the traveled roadway, that may cause injury or death. Instead of being impaled on a light pole, we have breakaway light poles. Instead of crashing into a metal barrier that decapitates the driver of the car, we now have the New Jersey barrier that guides the vehicle back on to the roadway.

We have about reached the limit of what we can do in building safer highways, safer bridges, educating the driving public to drive more safely. There are just some things that must be imposed upon people, and a speed limit is one of them.

Now, I have heard the discussion earlier today that well, you know, at 55, people are passing you, they are going 65, and all the 65 speed limit did was to ratify what people were doing on the highways. If you set it at 65, the highway patrol officers will tell you, people will drive another 10 miles an hour faster on the roadways.

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Just a couple of weeks ago, before we began this debate, I met with highway patrol officers in Minnesota. They told me the same thing as others did 15 years ago: ''If you raise the speed limit, people will again drive 10 or more miles per hour above it.'' Keeping the speed limit in place is a brake upon people's drive, ambition to go ever faster and risk their lives and those of other innocent people on America's roadways.

In the name of States rights, in the name of human rights, in the name of family rights, keep the speed limit in place.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

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

I rise today in opposition to the Rahall amendment. There are many statistics that we can look at. They tell us that approximately 30 percent of the fatalities are committed by those who are speeding. We will also be told that approximately 70 percent of the drivers on the road are speeding. If we use those numbers, it would mean the 30 percent who are not speeding are involved in 70 percent of the fatalities. We can use all kinds of numbers for all kinds of things.

The national speed limit was put in place in 1973 to conserve fuel. It had nothing to do with safety. Cars have been upgraded significantly since then, highways have been upgraded significantly since then. So I submit that the national speed limit is not something that is important today. What is important is States rights. What is important is that the States have the right to make the selection of the speeds appropriate to them.

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There is not a lot of commonality between the roads in New York and Texas, or New Jersey and Oklahoma. There is quite a lot of different in density, in topography, and the quality of the roads themselves. That is quite different.

However, we are not raising the speed limit today. There is nothing in this bill that raises the speed limit. What we are saying is we are giving the States the opportunity to determine for themselves what is in their best interests in their States. I happen to believe that those in the Oklahoma legislature or the Texas legislature or the Nevada legislature, and their State department of transportation, have a better understanding of their roads than some bureaucrat in Washington.

Those of us who vote for the Rahall amendment today, who vote to keep a national speed limit, are saying that our State legislatures, our State departments of transportation, do not have the sense or the ability to determine what is in their best interests. I happen to believe they do have. I believe that they have every bit of interest in safety that we have, and I believe that they can do it.

I urge Members to oppose the Rahall amendment.

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

In response to my dear friend and fine colleague, the gentleman from Oklahoma, this particular Member does not mean to cast any aspersions on our State legislatures whatsoever. I did not have the honor of serving in such a body, but I know that they have the best interests of their States at heart, that they serve with a maximum amount of ability and talent to make the right decisions.

However, what we are doing here today, if we remove a national speed limit, is allowing in some States, without any decision of their State legislators, for that speed limit in that State to automatically increase, or not even exist, not even have a speed limit. So, in effect, without any decision of the State legislature or reconvening of that State legislature, we have no speed limit then in those States. Montana and Nevada, for example, had no speed limit prior to enactment of the national 55 miles per hour speed limit.

Granted, the original purpose for the enactment of this speed limit was the oil embargo in the mid-1970's, the desire to conserve fuel. That turned out to be an empty threat. Today, we are importing more oil than we were at that time, yet we have no threat of an oil embargo. And even if we were, I submit, it would be another empty threat.

If that is what it takes to save American lives, then I say let all of these empty oil threats come from whatever country wants to issue them against the United States. If that causes the U.S. Congress to save American lives, I submit that we ought to maintain this 55 miles per hour speed limit.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BORSKI].

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

Mr. BORSKI. Mr. Chairman, I thank the gentleman from West Virginia for yielding me this time.

Mr. Chairman, I support the amendment offered by the gentleman from West Virginia which will save lives and prevent thousands of needless deaths on our Nation's highways.

The issue before us is not whether speed limits save lives—there is no question that they do. We have 20 years of evidence to show that—from speed limit laws that were passed to save energy, not to save lives.

The issue is whether we are willing to take the actions that will save lives—thousands of lives.

According to the National Academy of Sciences, the national speed limit law saves 2,000 to 4,000 lives each year.

Is saving 5 or 10 minutes on a trip worth an extra 2,000 to 4,000 lives every year along with countless injuries?

How many lives and injuries is it worth to save those extra few minutes on the road?

Based on the National Academy of Sciences study, the national maximum speed limit law has saved 40,000 to 80,000 lives in the past two decades.

Eighty thousand people is a lot of people—it is almost like wiping out the entire population of our State capital of Harrisburg.

There are very few other areas where we can look at laws and say they have direct impact on whether people live or die—but the national speed limit is one of them.

If we decide to eliminate the speed limit laws, we will be choosing death for thousands of our citizens every year.

When speeds increase, people have less control of their cars and crashes are more damaging.

There is a much greater chance of an accident resulting in death or serious injury at 65 than at 55. There is an even greater chance of death or serious injury at 75.

There should be no question that speeds will increase if the speed limit is increased. There are people who will always drive at 10 miles per hour more than the speed limit, no matter what the limit is.

There are also people who won't increase their speeds—increasing the differences in the rates of speed on the road and leading to even more accidents.

Mr. Chairman, the speed limit was not intended to be a safety measure but, through a combination of circumstances we stumbled on a measure that has been extremely effective in saving lives.

It would be a tragic mistake to repeal that life-saving measure now and set in motion a process that could result in thousands more Americans dying every year.

I urge support of the amendment by the gentleman from West Virginia.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Madison, WI [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I thank my colleague, the gentleman from Wisconsin, for yielding time to me.

Mr. Chairman, last Saturday I took my 6-year-old to a soccer game at Madison, pulled off the road on which we live to get onto the Beltway that surrounds the city of Madison, and was struck by three facts. First of all, the speed limits on the highway I had just driven onto were set by the Federal Government. If I was speeding on that highway, it would be the State of Wisconsin who would pull me over, and if I had to go to court to fight a ticket I would end up in a State of Wisconsin court. But here it is, the Federal Government telling the State of Wisconsin what the speed limit has to be outside of Madison, WI.

If Brett and I had been on a motorcycle instead of a car, we would have soon discovered that in the next couple of months, the State of Wisconsin would have had to pass a law to throw out a motorcycle education program we have had in place and put it with a motorcycle helmet law about to come down from the Federal Government; except if we prevail today, we will stop that, too.

Wisconsin used to have a motorcycle helmet law in place. We took it away and repealed it with an education program, and we now have fewer serious accidents, fewer serious accidents, and we have fewer fatalities than States that have helmet laws in place. However, here is Washington, telling us the speed limit and discussing helmet laws.

As I drove onto that highway, there was a sign that said how far it was from Madison to Milwaukee. It is about 72 miles. But there was a mandate from the Federal Government last year that said every county had to replace those mile signs with metric measurements. This is 500 yards down the road, and the Federal Government is telling me everything I can do along the way.

I think the provisions in this bill which repeal the speed limit and which repeal the mandates from Washington on the helmet laws are absolutely right on target. In fact, from my mind, it does not go quite far enough. I have 40,000 students at the University of Wisconsin in Madison. We, the Federal Government, tell the State what the drinking age has to be. I think you do to a 19-year-old who drinks and drives, what you do to a 39-year-old who drinks and drive, you take their license away. If it is necessary, you prosecute them and put them in jail. So we have done the right thing, we have gone two-thirds of the way, and we should go one step a little bit farther, an also give States the discretion to make decisions about drinking ages as well.

I just walked over from a Committee on Commerce hearing where we are

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about to give the States the authority to run Medicaid programs. I think that is absolutely appropriate. It should be a State decision. The Senate moved yesterday to turn many of the decisions involved in welfare reform over to the States.

If we are smart enough to run Medicaid, which is the biggest item in a State Budget, and if the State governments are smart enough to run welfare reform, I think somehow the State capitol in Madison and capitols across this country have the judgment to make their own decision about speed limits in their own States.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman, from Texas, Mr. PETE GEREN.

Mr. PETE GEREN of Texas. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this amendment. The question I have is what makes anyone think that someone in Washington, DC, knows better as to how fast you should drive between Fort Worth, TX, and Abilene, TX, than does the State senator or State representative from Abilene? The only two reasons that would justify such a conclusion is that the person in Washington, DC, known more about that stretch of road than does that State representative, or perhaps that the person in Washington cares more about the lives of Texans than does that State representative from Texas.

Mr. Chairman, I content that neither is true. I know Texans know Texas roads better than does any resident of Washington, DC. I know Texans care as much about the health and safety of their fellow Texans as does anyone in Washington DC. After all, when they cast a vote in Austin, TX, they are voting for the safety of their own children and their friends' children. It is not some bureaucrat in Washington, DC, making a decision about strangers 2,000 miles away.

With all due respect to those who support this amendment, roads in the hills of West Virginia or New York or Pennsylvania do not look like roads in west Texas. Those from the Northeast do not know what flat is, I can assure you. If it is safe to drive 55 anywhere in West Virginia, I can assure the Members, it is equally safe to drive faster than that in west Texas.

Mr. Chairman, let the experts make this decision, the experts in Texas, the experts in West Virginia, the experts in California, the experts in Montana, the experts in Minnesota. This is a very diverse country. Let us look to the wisdom of the people who live on those roads, who drive those roads, to make those decisions. Washington does not know best. The people in Texas know better than does the Federal Government about our roads, and I can assure you they care just as much as any employee in the Federal Government who has been in power to make this decision.

Mr. Chairman, I urge the defeat of the Rahall amendment.

Mr. PETRI. Mr. Chairman, I yield 3 minutes and 30 seconds to my colleague, the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I want to compliment the gentleman from Wisconsin [Mr. PETRI] for the great job he is doing on his subcommittee. I think it is about time that we had that kind of common sense restored to Government.

I also want to tip my hat to the gentleman from California [Mr. MINETA] who is leaving the Congress, for the great job he is doing, and the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Minnesota [Mr. OBERSTAR] and the entire committee.

Mr. Chairman, I strongly support the bill before us today, not this particular amendment, but certainly the bill. Most important, of course, this bill designates our National Highway System. This includes roads in northeast Wisconsin, like Highway Nos. 29, 41, and 441. These roads are the lifeline that connect us to the world, that move our goods and bring our tourists and support our businesses. However, it also restores nearly $1 billion in transportation money to the States.

My own State of Wisconsin, for example, will have nearly $200 million restored to the Wisconsin transportation budget, another $80 million in additional highway funds for Wisconsin will be released by the passage of this bill, and it gives the States new flexibility in how they use their highway funds. For that, we thank the good common sense and the great intelligence of the gentleman from Wisconsin [Mr. PETRI]. We need this money, and we need this flexibility.

Finally, this bill will eliminate the heavy burdens the Federal Government has imposed on the States over the years. It is time the Government, including the bureaucrats who are determined to run our lives, listen to the American people. Let us face it, it is simply a waste of time and money to require the States to convert their highway signs to the metric system. The Government has been trying to force the metric system down the throats of the American people since the Carter administration. It is time to wake up. The American people do not want it. Whenever I go back home, whenever you go back home to your town hall meetings, this issue comes up. Now we have a chance to address the wishes of the American people. That is why I am so much in favor of this legislation.

Furthermore, while I certainly believe that we must do all we can to promote safety, it is wrong for the Federal Government to hold the States hostage. It is time to remove Federal mandates the punish States that do not pass the kind of laws Big Brother Washington thinks that we should have. That is why I urge Members to support this bill, and oppose the amendments that would limit the authority of the States to make commonsense decisions for themselves.

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Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. I thank the gentleman for yielding me the time.

Mr. Chairman, our earlier speaker, the gentleman from Wisconsin, said he was struck by three facts. Pulling off the road thinking about highways in Wisconsin, he was just lucky not to be struck by three cars going at a high speed. He would have wound up in a hospital.

My good friend from Texas said we do not want speed limits set by some bureaucrat in Washington. I appeal to the gentleman, I am not some bureaucrat in Washington. I am not some bureaucrat in Washington. I protest. And I do not propose to speak for the people of Texas or to say that I know better about their road segments than they do.

But Interstate 35 either starts in Duluth or ends in Laredo, TX, or vice versa, and goes right through the gentleman's district. People in my State and district have a right to be protected against excessive speed on Federal aid highways in other States. We have something to say about how people drive on those roads. Make no mistake about it; this issue is not about whether we are going to drive faster or slower or whether States should have responsibility. This issue is about giving the States the right to increase speed limits. Opponents of national speed limits do not want these speed limits removed so people can drive slower.

States want, and people in States around the country, some people, not all of them, for goodness sakes not all of them, want to drive faster. It is a fact of life that we drive faster. We kill people.

We have just this summer been celebrating the end of World War II; 440,000-plus Americans were killed in action. Every decade we kill more people on America's highways than we did in World War II. That ought to stick with us. There is a war on America's highways and we have an opportunity to put a limit on it and say we shall not drive faster than this. Why can we not do that? We must do it.

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

Mr. Chairman, let me state my very strong support for this amendment, obviously, but also the support of some 52 organizations that have written this body opposing the repeal of the national maximum speed limit. Among this very diverse group are the Advocates for Highway and Auto Safety, Alliance of American Insurers, American College of Emergency Physicians, American Insurance Association, American Nurses Association, American Red Cross, Consumer Federation

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of America, the Heads Up Injury Prevention Program, numerous insurance companies, Mothers Against Drunk Driving, Public Citizen, State Farm Insurance Companies, among many others, have written us in strong support of maintaining the 55-mile-per-hour speed limit.

In addition, we have a letter written to the ranking minority member of our committee from the American Trucking Associations' Mr. Tom Donahue, its president and CEO, maintaining their support, the American Trucking Associations' support for supporting the 55-mile-per-hour speed limit. Not only is it fuel conservation and less wear and tear on their equipment, but the most important reason the ATA states in their letter for supporting the 55-mile-per-hour national speed limit is that they are convinced it saves lives. This is from the ATA.

In conclusion, Mr. Chairman, I do urge support of this amendment. I may have been born at night, but I was not born last night; and I recognize where the votes lie on this issue. I say to those Members that are concerned about State flexibility, as we have heard during this debate, that, if you find in your heart and in your conscience your inability to support this particular amendment, I do have a followup amendment which will set a 65-mile-per-hour speed limit cap and allow all the State flexibility in the world under that cap as a followup compromise measure. I would certainly expect those concerned about States rights to support that particular amendment.

With that, I do urge adoption of this particular amendment in the name of saving lives.

Mrs. VUCANOVICH. Mr. Chairman, I rise in strong opposition to the Rahall amendment and in support of the national speed limit repeal as contained in the National Highway System bill.

For too long, Mr. Chairman, the Federal Government has maintained its heavy hand over our States in setting the Nation's speed limit and I can tell you as a westerner, with vast amounts of territory to drive through, the 55-mile-per-hour speed limit has always been viewed as ludicrous and mostly ignored. There is no question that in the early 1970's, during the Arab oil embargo, we all had to pull together and work to conserve our energy resources. The national speed limit was invoked as a temporary measure for the duration of that crisis.

Unfortunately, in Washington's typical way, someone got the idea that it would be best to take the one-size fits all approach and make 55 the law of the land. I can tell you that since that time, Nevadan's have been adamantly opposed to a national speed limit and I have worked to give the responsibility of setting speed limits back to the States, where it belongs.

In 1987, I was proud to be a part of the effort that brought a little more common sense into this process by working to enact legislation that allowed the speed limit to be raised on our rural interstate highways to 65 miles per hour. It was a step in the right direction, but we need to take that final step and just plain get the Government out of this business. As with so many other issues best handled at the State level, it is Nevadans who know best what roads should be traveled at 35, or those that might be traveled at 65. Lets finish the job today!

The right of the State to handle such matters is fundamental, and I strongly endorse the actions taken by the committee to eliminate the national speed limit. I urge my colleagues to vote against the Rahall amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in support of Congressman RAHALL's amendment to retain our current speed limits. According to the National Academy of Sciences, the national speed limit law saves 2,000 to 4,000 lives each year.

Repeal of the national maximum speed limit is part of a larger effort by the majority to roll back the power and reach of the Federal Government in matters where States rights and individual choice are at issue. However, I don't believe the American people want their lawmakers to decrease public safety in the name of regulatory reform or under the banner of States rights. That is too high a price to pay.

Repeal of the national speed limit law endangers the safety of all Americans. Some State officials have already indicated their intent to immediately move to repeal safety laws if the Federal programs are eliminated. In several States, speed limits automatically go above 65 mph if the national maximum speed limit is repealed. If the national speed limit is repealed and we return to pre-1974 conditions, the Federal Transportation Department estimates we will be faced with an additional 4,750 highway deaths each year, at a cost of $15 billion.

Who pays the price, if the speed limit is repealed?

Taxpayers ultimately bear the cost for emergency medical and police response, medical treatment, days or years of lost productivity, disability compensation for the motor vehicle crashes that will result from higher speed limits.

We know that speed is a factor in nearly one-third of all traffic fatalities and that motor vehicle crashes already cost society more than $137 billion every year. The health care portion is approximately $14 billion—of which Medicare and Medicaid pay $3.7 billion or almost 30 percent.

I strongly believe that a Federal role encouraging safety is very necessary. If you share my concerns and want to save lives as well as taxpayer dollars, vote for the Rahall amendment.

Mr. ROBERTS. Mr. Chairman, I rise today in opposition to the Rahall amendment that would kill the effort to repeal the national speed limit.

I oppose this amendment on two fronts. First, reasons for the original speed limit are no longer valid. In 1973, because of the OPEC oil embargo, the Federal Government mandated that States lower speed limits to conserve oil. This original directive was in the interest of national security. The oil crisis has eased, automobiles are safer, and get far better mileage. In short, there is little reason to keep the mandate in place.

Second, and more importantly, the 55 m.p.h. speed limit is disregarded by an average of 7 out of 10 drivers. It is a law that breeds contempt of the law and the men and women who must enforce the unenforceable. Highway patrolmen are a limited resource. If more officers are required to enforce speed limits, fewer can be assigned to other safety activities, such as removing drunk drivers or stopping drug trafficking. Numerous studies have shown that raising the speed limit to 65 m.p.h. does not increase the overall speed on interstates.

The truth remains this—repeal is not a move by the Federal Government to raise speed limits, it simply gives States, which are in the best position to set speeds, the power to do so. Furthermore, interstates and Federal roads were built with taxpayers' money. This Congress should have gotten the message last November. The Federal Government doesn't have any money—it takes it from our citizens in the form of taxes.

I urge colleagues to oppose the Rahall amendment and support speed limit repeal.

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

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

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

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

RECORDED VOTES

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 9, as follows:

[Roll No. 676]

AYES—112

Abercrombie
Becerra
Beilenson
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clinger
Clyburn
Collins (IL)
Conyers
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fields (LA)
Foglietta
Ford
Fowler
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Johnston
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
LaTourette
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Molinari
Montgomery
Moran
Morella
Murtha
Nadler
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Roybal-Allard
Rush
Sabo
Scott
Serrano
Shuster
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Torres
Traficant
Velazquez
Vento
Visclosky
Waters
Waxman
Wise
Wolf
Woolsey
Wynn
Yates

NOES—313

Ackerman
Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (WI)

Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mollohan
Moorhead
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Barrett (NE)
Fattah
Kennedy (MA)
Moakley
Parker
Reynolds
Roukema
Sisisky
Tucker

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Mr. DEFAZIO and Miss COLLINS of Michigan changed their vote from ''aye'' to ''no.''

Mr. MCDERMOTT, Mr. PAYNE of New Jersey, and Mrs. KENNELLY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Wisconsin [Mr. PETRI], chairman of the Subcommittee on Surface Transportation.

Mr. Chairman, as the gentleman from Wisconsin [Mr. PETRI] is aware, I have been concerned that Illinois' ability to cap, by law, the amount available to cover salaries of engineering and design consultants could be vitiated by sections 308 and 321 of this legislation.

Mr. Chairman, I would like to ask the gentleman, our Subcommittee on Surface Transportation chairman, if it is the gentleman's intent that under the State options clause designated in section 308(e)(3) and section 321(a)(e) of H.R. 2274, State legislatures will have the authority to set, by law, direct and indirect salary caps for employees, principals, or subcontractors of engineering and design firms.

Mr. PETRI. Mr. Chairman, if the gentleman from Illinois will yield, the gentleman is correct. Under those two sections of H.R. 2274, State legislatures may set such salary caps within the 2-year time frame designated for exercising this option.

Mr. EWING. Mr. Chairman, reclaiming my time, it is my understanding that this 2-year time frame for the States to exercise their authority under the States option clause in H.R. 2274 is different from the time frame designated in the Senate bill. Will the gentleman from Wisconsin and the House conferees insist on the 2-year time frame contained in the House bill?

Mr. PETRI. Mr. Chairman, if the gentleman will again yield, it is my intent to support the 2-year time frame contained in H.R. 2274.

Mr. EWING. Mr. Chairman, reclaiming my time, I want to thank the gentleman from Wisconsin for this clarification, and I would be pleased to work with the gentleman on this matter in conference.

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Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with my good friend and distinguished leader, who has done a great job on this legislation, the gentleman from Pennsylvania [Mr. SHUSTER].

I would like to ask the chairman for a clarification of the intent of section 325 of this bill, relating to the Federal ban on new billboards on scenic byways. My concern is over the effect of this section on roadways previously designated by States as scenic byways and which pass through industrial or commercial areas.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, this section the gentleman refers to reaffirms the ability of States to establish standards stricter than those in Federal law. A basic feature of the Highway Beautification Act is to permit States to allow billboards to remain in industrial and commercial areas, if States so choose. The decision rests with the State. Section 325 is intended simply to correct an erroneous FHWA interpretation of section 1047 of ISTEA and return that decision to the State.

Mr. WELDON of Pennsylvania. So if a State wants to designate a scenic byway and ban billboards even along those sections of the roadway passing through commercial or industrial areas, section 325 would not limit the State's ability to do that? Is that correct?

Mr. SHUSTER. That is absolutely correct. States would have the discretion as to whether or not to ban billboards in commercial and industrial areas.

Mr. WELDON of Pennsylvania. Where a State has previously designated a roadway as a scenic byway and has already exercised its discretion to ban billboards in commercial and industrial areas, as Pennsylvania has done in the case of the Blue Route, enactment of section 325 would not in any way disturb or invalidate the State's decision and no further action would be required by the State to maintain that ban?

Mr. SHUSTER. That is absolutely correct. Again, it is very important to emphasize that States have complete authority to enact stricter prohibitions on billboards than those in Federal law. The purpose of the technical amendment in section 325 is to ensure that the designation of a scenic byway does not, by itself, change billboard regulation in commercial and industrial areas. But a State may ban new billboards anywhere in the State if it chooses and section 325 in fact reaffirms the State's authority to do so.

Mr. WELDON of Pennsylvania. I thank the chairman for that clarification, for his interest, and I also want to acknowledge the work of our State senate majority leader, Joe Loper, the speaker of the State house, Nat Ryan, whose district this road goes through, as well as our colleagues from Montgomery County, the gentleman from Pennsylvania [Mr. FOX], and from

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Delaware County and Philadelphia, the gentleman from Pennsylvania [Mr. FOGLIETTA].

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

I would like to enter into a colloquy with the gentleman from Pennsylvania about an issue that is extremely important to my State of Oklahoma—the funding levels which donor States receive under the Intermodal Surface Transportation Efficiency Act of 1991.

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

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

Mr. SHUSTER. Mr. Chairman, I thank the gentleman. I can assure the gentleman that I am committed to carefully examining the concerns of donor States as we head toward reauthorization of ISTEA. I expect the Subcommittee on Surface Transportation to conduct comprehensive hearings in the next months, including formula distributions.

I would like to emphasize to the gentleman that this NHS bill contains critical changes to the Minimum Allocation Program which will preserve its funding levels in the baseline beyond fiscal year 1997. Unless these changes are adopted, then the funds which have been used to equalize funding between the States will be lost forever.

Mr. LARGENT. Mr. Chairman, I appreciate your consideration of the concerns of donor States such as Oklahoma. I look forward to working with you and Surface Transportation Subcommittee Chairman PETRI.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment, amendment No. 26.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. RAHALL: Strike section 348 and insert in lieu thereof the following:

SEC. 348. NATIONAL MAXIMUM SPEED LIMIT.

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

(1) by striking ''fifty-five miles'' the first place it appears and all that follows through ''or (4)'' and inserting ''65 miles per hour, or (2)''; and

(2) by striking ''Clause (4)'' and inserting ''Clause (2)''.

Conform the table of contents of the bill accordingly.

The CHAIRMAN. Under the previous unanimous-consent agreement, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 10 minutes and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 10 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

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

Mr. Chairman, this follow-up amendment is the perfect compromise on this issue. I, of course, was in strong support of the original 55-miles-per-hour speed limit. This amendment seeks to address the concerns often stated on the last amendment and by many other Members about the issue, in their minds anyway, of States rights.

This amendment simply establishes a maximum speed limit of 65 miles per hour. Under current law, as we all know, the Federal speed limit is set at 55 miles per hour for urban sections of interstate highways, and at the option of the State, 65 miles per hour for rural segments of the interstates. For all other highways and roads, the Federal speed limit remains at 55.

Mr. Chairman, the amendment adopted by the Committee on Transportation and Infrastructure, on the other hand, would completely abolish the Federal speed limit.

Under this approach, a State could opt to set speed limits at any level, or for that matter, set no speed limit whatsoever.

In this regard, I would note that prior to the establishment of the Federal speed limit, two States did not have any speed limits whatsoever. This type of situation would once again arise and be allowable under the committee bill as it stands.

Now, we have heard a lot of discussion about State rights and the need for greater flexibility in setting speed limits. We also know, from statistical data, that speed kills. There should be no doubt about that. Speed kills.

In addition there are economic costs. The economic costs of speed-related deaths in this country are $24 billion each year. Mr. Chairman, that is $44,000 a minute, in the costs of speed-related crashes each year.

Even the opponents of the last amendment and supporters of repealing any type of speed limit have not suggested that there not be speed limits whatsoever, and as such, my amendment, I think, represents a perfect dovetailing of the opposition concerns that have thus far been expressed. It recognizes that there may be a need for additional flexibility in establishing maximum speed limits, and it recognizes there should be some type of limitation on this flexibility in the interests of safety.

In my amendment, the maximum speed limit that could be established by a State would be 65. Let me be clear: A State would not have to accept that speed limit; it would simply have the option to establish speed limits for any type of highway or road up to the maximum of 65.

I not only view this amendment as being a fair and reasonable compromise on the issue of speed limits, but one that, in fact, addresses the concerns of both the supporters of the repeal of the national speed limit and the opponents of that approach.

I urge adoption of my amendment.

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

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

Mr. Chairman, I must oppose this amendment offered by Mr. RAHALL. This House has voted to turn back to the States the responsibility for setting speed limits—including maximum speed limits. I do not believe we here in Washington should prejudge what is the appropriate speed in every area of the country. I have long heard the frustration of my colleagues from Texas, Oklahoma, Montana, and other areas where distances between destinations are very far and drivers on the roads are few.

While my own State of Wisconsin, perhaps, may not see a reason to increase speeds beyond 65, other States may make the determination that it is the proper action to take. In any event, what we are saying today is—it is up to the States.

So while I appreciate the sincere interest of my colleague on the Surface Transportation Subcommittee, I must urge the House to defeat this amendment.

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

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the ranking minority member.

Mr. MINETA. Mr. Chairman, I rise in support of the Rahall amendment.

I have made very clear my position on the national maximum speed limit. It should remain as it is today: 65 miles per hour on rural interstates and interstate equivalents, and 55 miles per hour on other, more congested and narrower, roads.

However, the bill before us repeals all Federal speed limits, allowing States to set the limit at 65, or 75, or 85, or even no limit at all. Before Congress enacted the national speed limit, 39 States had limits of 70 miles per hour or higher, and two had no limit at all. This bill now tells States that it is okay with us if a State says, ''Drive whatever speed you want, the sky's the limit!''

If this were a States rights issue, I would agree with my colleagues who oppose this amendment. But we cannot escape the fact that the impacts of raising the speed limits spill over into other States and into the pocketbooks of taxpayers across this country.

The amendment offered by the gentleman from West Virginia is certainly not my position on speed limits, but at least it would reflect the national interest and put some upper bound on what the speed limit could be.

That's certainly not enough, but it is a vast improvement over where we would otherwise be. The number of deaths, the number of serious injuries, and the burden on taxpayers will not go up as much as they would under the sky's-the-limit provision now in the bill.

On that basis, I urge support for the amendment.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Again, opposition to a national speed limit is being couched in terms of let the States decide. The unspelled-out argument is let the States go as high as they want.

This is not a move to contain speed on America's highways. It is a move to allow the speed to rise, in some cases, to no limit. That is outrageous. This is a national highway system. The people that I represent in northern Minnesota have a right to be protected on highways they drive in other States, and when they drive on the highways of some other State, that they have a right to know that there is a reasonable limit on speed, that their life is not going to be endangered as they drive on America's highways in other parts of this country than the part that they come from.

We have a responsibility, as national legislators, to act. We have it within our reach today to put a limit on speed. That limit should be 55.

The House has spoken. It says, ''No, let people drive as fast as they want.'' Make no mistake, that is not a States' rights vote, the last vote cast. That was a move to raise speed limits all over America.

People want to drive furiously at the risk of their own and other people's lives. They should not be allowed to do so. Those who drive with reckless abandon should know that there are limits and that they will be penalized and that this is a national will and we ought to find the national will in this Chamber to do so and stand up and speak.

We all know speed kills. We all know what the dangers are. We all know what the costs are. We ought not to shrink from our responsibility and say leave it up to the States, because, you know the pressures there are going to be on a smaller legislative body, that can be cross-cut and cut many different ways and which will give in to the loudest voice.

I regret the last vote. I regret even more a ''no'' vote on this amendment that puts a reasonable upper limit, gives States flexibility to set their own speed limit at any point, less than 65, and we ought to vote in favor of the very reasonable amendment that the gentleman from West Virginia has set forth.

Enough is enough. Stop the carnage on America's highways. We can, with one vote, do so.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to our colleague, the gentleman from California [Mr. CUNNINGHAM].

□ 1515

Mr. CUNNINGHAM. Mr. Chairman, I will not take 2 minutes. I understand with good intention what the gentleman from West Virginia [Mr. RAHALL] wants to do. I know in my State of California, if you are driving 55 miles an hour, you are in danger. You cannot pull out, you cannot do anything, because you have streaks of lightning going by you.

But I think what the amendment attempts, there are a could of issues. It is not just a States rights issue, but an issue of do we trust someone outside Washington, DC, to make the determination on what is right and proper for that particular district, or that particular State. I think we can trust local government and local people to take responsibility, and I think this bill says no, we do not trust them to do that. There is a big difference between San Diego, CA, and Maine, and a lot of country in-between, and each one has different rules, different rights, and I think that if we allow the States to make that determination, they will do it in a responsible way.

So even though there is good intention to the gentleman's amendment, I stand opposed to it, and I ask my colleagues to oppose it.

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

Mr. Chairman, in conclusion, let me again urge support of this compromise. The previous speaker spoke of if you are driving 55 miles per hour on California highways, people pass by you in a streak of lightning. Again, this is a limit of 65 miles per hour and it does allow States the flexibility within and underneath that cap to set speed limits in different parts of their States as they see fit.

Mr. Chairman, I would submit as well, because this is a safety issue, that what we are discussing here is the Federal Government's responsibility to impose proper safety standards upon all of the people in this country, and we have a responsibility not only in this area when it comes to auto driving, but also in other areas, whether it is mine safety, consumer-related health, FDA, whatever, we could go down the list, but where the Federal Government does have a proper role and responsibility. It cannot be left to the States.

Again, I am not casting aspersions upon our State legislatures, which I am sure will rise above local interest and make the common good decision. Nevertheless, we have that responsibility on the Federal level and we cannot allow States to get in a contest of trying to outdo the other State. Again, we get into each State trying to go maybe 5 miles per hour above its neighboring State. Where does it stop? The sky is the limit under the committee-reported bill. This sets a reasonable limit. I think we ought to adopt this 65 mile an hour cap in the name of saving lives, and it is responsible public policy in this country.

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 133, noes 291, not voting 10, as follows:

[Roll No. 677]

AYES—133

Abercrombie
Baldacci
Barrett (WI)
Becerra
Beilenson
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Davis
DeLauro
Dellums
Dingell
Dixon
Dooley
Doyle
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fazio
Foglietta
Ford
Fowler
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Goodling
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jacobs
Johnson, E.B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
LaTourette
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Oberstar
Olver
Pallone
Parker
Payne (NJ)
Pelosi
Poshard
Rahall
Rangel
Reed
Roybal-Allard
Rush
Sabo
Sawyer
Scott
Serrano
Shuster
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Torres
Traficant
Velazquez
Vento
Visclosky
Waxman
Wise
Wolf
Woolsey
Yates

NOES—291

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gonzalez
Goodlatte

Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Owens
Oxley
Packard
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Fattah
Istook
Kennedy (MA)
Moakley
Neal
Reynolds
Roukema
Sisisky
Stockman
Tucker

☐ 1537

Mr. HOBSON changed his vote from ''aye'' to ''no.''

Mrs. CLAYTON and Mr. MARTINEZ changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was necessarily away from the Chamber during the last recorded vote. I believe the number was 677.

Had I been present, I ask the Journal to reflect I would have voted ''nay''.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the chairman of the Transportation Committee on the Gowanus Expressway rehabilitation project.

Mr. Chairman, as you know, because of the long period of 7 to 10 years that it is estimated it will take to complete, and the devastating effect that this project will have on the surrounding communities—including an estimated loss of $200 million to the local economy, as well as increased pollution and safety problems—the issue of the Gowanus Expressway rehabilitation project is of great concern to me and many of my constituents.

The plan that the State has put forth on this matter falls far short of adequately addressing some very important issues. This has led to a bipartisan effort that has brought together community leaders, at all levels, in the hope of finding a sensible solution to this problem.

The rehabilitation of this highway will cost approximately $1 billion. That works out to nearly $300 million per mile, making this the costliest transportation project in New York State. Mr. Chairman, this single project will have an adverse effect on the quality of life of 300,000 New Yorkers—more than any other transportation project.

Other area highway projects, which affect far fewer New Yorkers, and cost far less money, have been subject to greater study. In this case, however, the State has done little in the way of examining measures that can reduce the harmful effects on the community or the options available to better address the transportation woes.

In the event that we are unable to resolve the problems which I have briefly outlined, it is my hope that as the House goes to conference on this bill, the chairman will be willing to leave the record open on this issue, so that it may be addressed in the final bill—either through a major investment study or through some other solution.

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

Ms. VELÁZQUEZ. I yield to the gentleman from Pennsylvania, the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Chairman, I understand that the gentlewoman has been working with our colleague, the gentlewoman from New York [Ms. MOLINARI], on this issue. I would encourage the State and local communities to work to address the issues raised here today. As we move forward with this bill I certainly agree to work with both of you on finding an agreeable solution to this problem.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. SHUSTER] for his commitment to this important issue, and, before I yield to my colleague, the gentlewoman from New York [Ms. MOLINARI], a fellow New Yorker who has been instrumental on this matter, I would like to also thank the gentleman from New York [Mr. TOWNS] for his support and attention to this matter and the leadership that the gentleman from California [Mr. MINETA] has provided in addressing this problem. I say to the gentleman, ''Mr. MINETA, we are all going to miss you.''

Ms. MOLINARI. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentlewoman from New York.

Ms. MOLINARI. Mr. Chairman, I want to commend the gentlewoman from New York [Ms. VELÁZQUEZ] for bringing this issue to the attention of the House of Representatives. The Gowanus Expressway is a critical component of New York City's highway system. My constituents are very concerned about the time it will take to reconstruct this expressway as well as the major traffic implications which we New Yorkers will encounter for 10 years. It is my hope that we can work with the State to ensure that this project is done as quickly as possible with as little inconvenience as possible for thousands of New York drivers.

Let me also join in thanking the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. MINETA] for their willingness to work with the gentlewoman from New York [Ms. VELÁZQUEZ] and my office to address this issue, and again I commend the gentlewoman for bringing this issue to the forefront of the House of Representatives, and hopefully together, with cooperation from the States, we can utilize some of the resources of the Federal Government to spur this construction which we admit is badly needed but cannot go on for 10 to 15 years.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman from New York [Ms. MOLINARI] for her remarks, and I look forward to our continued working together on this issue, and I also want to thank the gentleman from Pennsylvania [Mr. SHUSTER] for his support.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER: Page 90, line 17, strike ''for only those'' and all that follows through the period on line 18 and insert the following: ''in accordance with State law.''

Mr. NADLER. Mr. Chairman, I am seeking to change a section in this bill that amounts to an unfunded Federal mandate which singles out New York City from the rest of the country. Section 343 of the NHS bill requires New York's Tri-Borough Bridge and Tunnel Authority to collect tolls only in the westbound direction on the Verrazano-Narrows Bridge. This is the only provision of its kind in the United States. My amendment will restore local control over a fundamentally local issue; how New York should collect tolls on the Verrazano-Narrows Bridge. Should

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it be one-way westbound, one-way eastbound, or both ways? I do not think, with all due respect, that Congress and the President really have the expertise to know which is best for local traffic patterns. Let that be up to the government of New York City.

Currently, having a one way toll on the Verrazano-Narrows bridge creates a path into the central business district of Manhattan from Staten Island through Brooklyn across lower Manhattan out through the Holland Tunnel to New Jersey. This route is used by commuters and commercial vehicles to avoid paying any tolls whatsoever because the Holland Tunnel has a one-way toll in the other direction.

□ 1545

This loophole has cost our transportation agencies between $7 and $8.2 million annually.

Let me turn my attention for a moment from this legislative issue to one of funding. Does anyone here feel so strongly that they would be willing to make up these lost local dollars out of their State's portion of ISTEA funds?

We are not talking money being paid by constituents all over the country. We are talking about money being paid by New Yorkers to our local transportation agencies for local transportation purposes. By what right does Congress tell New York how to raise money locally for local purposes or how to direct traffic on local streets?

In addition to costing us local transportation funds, at a time when urbanized areas are being hard hit by transportation cuts, this unfunded mandate diverts vehicles into Brooklyn and lower Manhattan, thus greatly increasing air pollution which creates large pockets of carbon monoxide.

We cannot afford this kind of increased air pollution in New York City. We are already a nonattainment area under the Clean Air Act and will be hit with penalties by this Congress if we do not comply. But the same Congress will not let us take action to reduce congestion and clean up our problem.

Besides being a cause of increased pollution and being an inconvenience for local residents, this congestion is choking off maritime commerce from the Red Hook and South Brooklyn Marine Terminals in Brooklyn, as well as from numerous small commercial and light manufacturing businesses on the Brooklyn waterfront and in Sunset Park. We are losing jobs, and it will get worse.

A small minority in our city want to use the Federal Government to circumvent local government and the popular will of the majority in our city. Left alone, New Yorkers will do what is in our own best interest. I am convinced we will get rid of the one-way tolls.

Maybe I am wrong and the gentlewoman from Staten Island is correct and the local decision will be to leave the tolls the way they are. The gentlewoman from Staten Island will get up in a few minutes and argue that I am wrong and that the one-way tolls are correct for various local reasons.

The point is that decision, whether I am right or she is right on local traffic patterns and impacts in New York City, should not be for this body. We claim to be for States' rights. I know we are not consistent. Sometimes we are, and sometimes we are not. But this is ridiculous. Congress is going to tell New York City which direction a toll should be for all time in law on a local bridge. The decision belongs locally.

This unfunded mandate has caused the congestion in our streets, killed local businesses, and destroyed the quality of life in some of our communities; and unless we adopt this amendment and allow New Yorkers to decide what is best for our city, Congress will be allowing and mandating the continuing deterioration of these areas.

I urge my colleagues to support this amendment, not put one-way tolls on the Verrazano Bridge into Federal law. Let New Yorkers make the decision whether the Verrazano Bridge should have one-way tolls eastbound, westbound, no tolls, or tolls in both directions. That is a local decision. It should be kept local, and I urge the adoption of this amendment.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

The language in the bill before us provides a permanent authorization for the current tolling configuration for the Narrows Bridge in New York City. This is simply making permanent language approved by Congress every year since 1986 to provide for the one-way toll on the bridge to Staten Island.

Should we go back to collecting tolls in both directions, Staten Islanders will be subjected to increased levels of carbon monoxide and other hazardous air pollutants from idling cars in residential areas as well as increased congestion.

While I am certainly aware of the concerns of our colleague, Congressman NADLER, I also understand that this amendment will not solve his problem; and, therefore, I urge the House to defeat this amendment.

Ms. MOLINARI. Mr. Chairman, I move to strike the last word and rise in strong opposition to this amendment regarding the Verrazano-Narrows Bridge one-way toll. Let me remind all Members that we have already defeated this exact same amendment during the transportation appropriations bill earlier this year, and with good reason.

Since 1986, tolls have been collected on this bridge connecting a Federal interstate in the westbound direction only. That is 9 years in a row in which such an attempt to reverse the toll collection has been defeated by Congress.

Two, the current one-way toll situation has improved traffic flow, reduced pollution, and helped thousands of New York and New Jersey commuters get to work on time. That is one reason why Senator D'AMATO and Senator LAUTENBERG from New Jersey had championed this issue in the U.S. Senate.

Contrary to the arguments just made, the one-way toll is not responsible for Brooklyn nor Manhattan's growing traffic problems. Rather, it is perfectly obvious to anyone familiar with traffic in the area that the reconstruction of the Brooklyn-Queens and the Gowanus are responsible for the current traffic patterns.

Lastly, we talk about a loophole and a funding loss. I would like my colleagues from the other boroughs to explain to me how they would react if their constituents were told that there was no other alternative for them to commute to another borough in the same city without being charged a $7 toll. Neither of them would stand for that, and the only thing they would ask is for some relief.

Let me remind my colleagues that the $7 toll goes largely toward relieving the toll pressures felt on your subways, which I do not have on Staten Island. In the spirit of fairness, all we ask is that, while we pay exorbitant rates to get to your boroughs to subsidize your mass transit, that we be given a little bit more time to get to work in the morning. I think that is a pretty darned good deal. I think it is a rather extravagant deal.

I commend the committee for including the current one-way toll system and recognizing how critically important this is to the tens of thousands of New York and New Jersey commuters who use the Verrazano-Narrows Bridge.

Again I say to my colleagues, as I have said before, if the traffic bothers them so much, then let us all join together and do what is really fair and do away with the toll on the Verrazano-Narrows bridge all together. Then we could all go home and say we did the right thing for New Yorkers.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of my colleague's amendment.

The gentleman from New York and I represent several neighborhoods in lower Manhattan and Brooklyn that bear the brunt of the current wrong-headed toll policy on the Verrazano Bridge.

First of all, our colleagues from around the country should rightly ask why is Congress becoming involved in what is a local traffic dispute. That is a very good question, especially when we consider that year after year the mandate of the one-way toll from Brooklyn to Staten Island was put into place over the objections of our city and State governments and all but one of our city congressional representatives.

Here is why the one-way toll continues to be a terrible idea. First, it wastes money. Toll evaders are ducking out of $7 million in lost revenue. This funding could improve New York's roads so that fewer tax dollars are needed for these roads in New York.

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Second, it is an environmental disaster. The diverted traffic into my district has caused air pollution hot spots at which dangerous carbon monoxide exceed national standards. All this because residents of one particular section of our city and others from another State can save a few dollars a week by evading a toll.

The one-way toll over the Verrazano has caused a great deal of damage that can never be undone, but let us end this folly and pass the Nadler amendment.

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

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to title III?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer amendment No. 24.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. NADLER: Page 97, after line 12, add the following:

SEC. 354. EXTENSION OF DEADLINE FOR REPAYMENT OF FUNDS.

The Secretary shall extend by 2 years the deadline by which the State of New York is required under section 103(e)(7) of title 23, United States Code, to make a repayment to the Highway Trust Fund in connection with Federal funds expended to acquire property for a portion of Interstate Route 478 which was withdrawn from the Interstate System in accordance with the provisions of section 103(e)(4) of such title.

Conform the table of contents accordingly.

Mr. NADLER. Mr. Chairman, this amendment simply extends a statutory deadline for New York either to repay funds spent to acquire rights-of-way for the Westway project or to apply for a so-called payback waiver which would allow those funds to be spent current eligible projects.

The amendment is revenue-neutral. It provides no new funds for New York City, does not draw on the highway trust fund, nor would a failure to extend this deadline make available any additional funds to the highway trust fund. However, failure to extend this deadline could result in these funds being misdirected away from the communities whose transportation needs they were expended to serve.

This extension is temporary. It gives the State department of transportation 2 years to file a new application for a payback waiver in compliance with U.S. DOT guidance.

This is money New York received as part of its share of transportation funding. We should be able to use this funding for its intended purpose—to serve the transportation needs of our community. However, unless this deadline is extended, a legal technicality, combined with bureaucratic wrangling, could place these important transportation initiatives in jeopardy.

We fought long and hard to ensure that this money would be spent in the most productive and efficient manner possible. I ask my colleagues' assistance in straightening out this bureaucratic mess so that our local transportation authorities can move forward with serving the transportation needs of our city.

Mr. Chairman, there is currently pending, or there was, I should say, a lawsuit. The settlement of that lawsuit bound the Governor of the State of New York and the mayor of the city of New York and the two comptrollers that the Governor would make a good faith application for a payback waiver. The previous administration in New York made such an application in 1990. It was clearly not in compliance with Federal guidelines. It was, therefore, rejected by the Federal Government and it is not regarded as a good faith application.

The question is whether the State administration has met its legal mandate under the court order to make a good faith application. There is a lawsuit pending now, brought by the comptroller of the city against the State department of transportation. If the lawsuit is unsuccessful, this amendment will not be utilized. It will be irrelevant. If the lawsuit is successful, this amendment would give the administration of New York the opportunity beyond the expiration date on September 30, a 2-year opportunity, to meet its legal obligation and make the application for the payback waiver.

As I say, Mr. Chairman, this has no fiscal implications for the highway trust fund or the Federal Government but simply extends the waiver so New York can settle the lawsuit, get its act together, and make the application for the waiver.

Ms. MOLINARI. Mr. Chairman, I rise in opposition to this amendment which the State of New York and the city of New York are also opposed to.

Earlier this year the New York State Department of Transportation chose to no longer waive the payback of funds for the Westway project. As recently as today, my office again confirmed the State's position on this issue, and that has not changed, equally with the city of New York.

As I mentioned, during the committee markup of the National Highway Service bill, I hope to further address this issue with the State and the city of New York to determine whether a real solution can be worked out. In the meantime, however, on their behalf, I must rise in opposition to the amendment.

Mr. RAHALL. Mr. Chairman, I move to strike the last word and rise in support of the gentleman from New York's amendment and I yield to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, let me say I join the gentlewoman in hoping that this will be worked out, but simply would observe that at this time there is a lawsuit pending. It was brought about a week ago by the comptroller of the city of New York against the Governor of the State of New York on issues having to do with whether, in fact, the State has met its legal obligation under a previous court settlement under which it is bound to make an application of the payback waiver.

If that lawsuit should be successful, they are going to be bound to make the application, but the deadline is September 30. If this is not worked out, if the lawsuit is unsuccessful, if the Governor is not compelled by the lawsuit to make an application or they decide that they are not going to, then this amendment is not necessary. But if the Governor should decide he wants to make the waiver, as these things are discussed in New York, or if the courts tell him he must, then this amendment will be necessary,

All the amendment does, Mr. Chairman, is give extra time to the Governor. It does not bind the Governor. It is up to him and the lawsuit in New York. This gives not just the Governor, this gives the State 2 years to make the application if they want to. Currently, the Governor does not want to because he does not agree with the conditions the Federal Government would impose on that waiver. But he will either decide to do so or he will not, or he will be ordered by the courts to do so, or he will not. All this amendment says is give New York some extra time.

So this does not prejudice anybody and it does not cost anybody any money. I suspect that the Governor is going to need this amendment, even if he does not think so now, if he should be ordered by the courts to make the application. Because if he is ordered to make the application, and there is no extra time, the court may very well tell him that he is bound by the conditions of the Federal Government but he does not get the money, or he does not get the positive aspects of it.

□ 1600

So I think that adoption of this amendment will simply give the State an additional time for the option, and it does not force them to do it. I would urge this be adopted.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. SHUSTER

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

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 97, add the following new section:

SEC. 356. TECHNICAL AMENDMENT.

Notwithstanding title 23 U.S.C. 101(a), the projects described in section 149(a)(62) of P.L. 100–17 and section 1 of P.L. 100–211 shall be eligible under title 23 U.S.C. 204.

Mr. SHUSTER (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 Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, this is an amendment we have worked out

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with the other side, noncontroversial. The amendment merely clarifies the eligibility of two park roads. I understand the leadership on the other side is prepared to accept it.

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

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

Mr. RAHALL. Mr. Chairman, we have no problems with the amendment. We have reviewed it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

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

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

Mr. POSHARD. Mr. Chairman, I rise today in support of H.R. 2274, the National Highway System Designation Act of 1995. This is a sound piece of legislation, and I applaud my colleagues on the Transportation and Infrastructure Committee for helping bring this bipartisan bill to the floor.

By passing this legislation quickly we will ensure that critical highway funds will be sent to the States. Within H.R. 2274 are provisions guaranteeing the States will receive $6.3 billion in fiscal year 1996 highway funding. This equates to approximately $255 million for the State of Illinois, and allows much-needed highway projects to continue without disruption of Federal funding.

The National Highway System bill before us today lifts many burdensome mandates and Federal regulations that hinder progress of our Nation's highways. Contained within this bill are commonsense reforms to the hour-of-service regulations impacting farmers, and I fully support eliminating the penalty for noncompliance for motorcycle helmet use laws. The Illinois General Assembly has attempted three times to pass legislation complying with this Federal mandate. The people of Illinois do not support forced helmet use compliance, and I urge my colleagues to support this much-needed reform.

I support taking the transportation trust funds off budget. I believe it is important to enact the trust fund legislation, and feel a separate vote on that issue will accomplish the goal of guaranteeing these funds are used for their intended purposes. I appreciate the efforts of Chairman SHUSTER to reach a workable compromise on this, and other contentious issues.

Rural America is dependent on a sound and efficient network of roads. The National Highway System map we are designating today will play a vital role in America's infrastructure needs and will have a significant impact on the economy of my district. This map includes numerous routes through south-central Illinois which will help bolster the area's economy, and its ability to flourish. I want to particularly thank Joe McGuire of Wabash County and the other members of the Route One Committee for their tireless efforts in promoting the Route One Corridor as an integral part of the new National Highway System.

The National Highway System Designation Act of 1995 will shape the future of America's transportation system. Passage of this bill will ensure the States will receive their Federal highway funding, and I urge my colleagues to vote "yes" on this critical legislation.

AMENDMENT OFFERED BY MR. OBERSTAR

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

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 97, add the following new section:

SEC. 356. SAFETY REPORT.

Not later than September 30, 1997, the Secretary of Transportation, in cooperation with any state which raises any speed limit in such state to a level above the level permitted under section 154 of Title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to the Congress a study of—

(1) the costs to such state of deaths and injuries resulting from motor vehicle crashes, and

(2) the benefits associated with the repeal of national maximum speed limit.

Mr. OBERSTAR (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 Minnesota?

There was no objection.

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

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

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

Mr. PETRI. Mr. Chairman, we have enjoyed working with the gentleman on this amendment, have studied it, and are willing to accept it.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I thank the chairman of the subcommittee and the chairman of the full committee for their cooperation, and the gentleman from West Virginia [Mr. RAHALL] for his participation. This is simply a safety report.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY: At the end of title III of the bill, insert the following:

SEC. 354. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS

''(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 161. National standard to prohibit the operation of motor vehicles by intoxicated minors

''(a) WITHOLDING OF APPORTIONMENTS FOR NON-COMPLIANCE.—

''(1) FISCAL YEAR 1999.—The Secretary shall withhold 5 percent of the amount required to be appropriated to any State under each of paragraphs (1), (3), and (5) of section 104(b) of October 1, 1998, if the State does not meet the requirement of paragraph (3) on such date.

''(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on such date.

''(3) REQUIREMENT.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that makes unlawful throughout the State the operation of a motor vehicle by an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater.

''(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

''(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

''(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to such State.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period of which funds withheld under subsection (a) from apportionment are to remain available for apportionment to State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets such requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which such funds are so apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118.

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the following:

''161. National standard to prohibit the operation of motor vehicles by intoxicated minors.''.

Conform the table of contents of the bill accordingly.

Mrs. LOWEY. Mr. Chairman, I will include for the RECORD a letter from the Mothers Against Drunk Driving in support of my amendment.

Mr. Chairman, I rise today to urge my colleagues to close a loophole in the law that tragically claims thousands of lives each year on our Nation's

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roadways: Drinking and driving by minors.

While everyone knows that it is illegal to purchase alcohol if you are under 21 years of age, 23 States still permit underage drivers to drive legally with alcohol in their system as long as their blood alcohol content does not exceed the State's legal limit. So incredibly, in 23 States it is illegal for minors to purchase alcohol, it is illegal for them to publicly consume alcohol, but it is perfectly legal for them to drink and drive.

This loophole still exists despite the clearly lethal consequences of teenagers who mix drinking and driving. What is the result? Each year between 2,000 and 5,000 youths, age 15 to 24, are killed in alcohol-related crashing. In fact, according to the National Highway Traffic Safety Administration, 40 percent of traffic fatalities involving underage drivers are alcohol related.

Mr. Speaker, this is a very straightforward issue. It is an issue of getting tough on a crime that kills thousands of Americans every year. Since it is illegal in every State for children under the ago of 21 to purchase and possess alcoholic beverages, it should also be illegal for children under 21 who have been drinking to drive.

My amendment sends a very clear message. If you are under 21, consumption of alcohol combined with driving will be treated under State law as driving while intoxicated. End of story. And to any of my colleagues who think it might be okay for a teenager to have a beer or two and then drive, let us look at the facts.

According to a 1991 study by the Insurance Institute for Highway Safety, male drivers between 16 and 21 who have a blood alcohol level of .01 to .04 are six times more likely to be in a fatal crash than drivers 25 years and older. Under my amendment, which was adopted by the Senate in June by a 2-to-1 margin, if a State fails to adopt a zero tolerance standard for drivers under 21 by the beginning of fiscal year 1999, they would lose 5 percent of their Federal highway funds for that year. In subsequent years if that State has failed to act, if would lose 10 percent of its funds.

Unfortunately, the bill before us today does not contain the zero tolerance measure adopted by the Senate. My amendment will make the House bill identical to the Senate in this lifesaving measure.

What can we expect from enactment of zero tolerance laws nationally? For the States that have adopted zero tolerance laws, Maine, New Mexico, North Carolina, and Wisconsin, they have experienced a 34-percent decrease in traffic fatalities among young drivers at night. Let me repeat, a 34-percent decrease in traffic fatalities.

If all States adopted zero tolerance laws, at least 375 fatal crashes would be prevented each year. Very simply, we are talking about saving lives. In designating the National Highway System of some 160,000 miles of road deemed to be of national significance, we in this Chamber have a responsibility to ensure the safe usage of those roads. Nothing is more detrimental to highway safety than drunk driving.

The approach my amendment takes has saved lives before. Since passage in 1984 of the bipartisan uniform minimum drinking age, or 21 law, State which fail to adopt 21 as the minimum age for the purchase or public possession of alcohol beverage, face a withholding of a portion of their highway construction funding. As a result, each State has made 21 the drinking age, and 1,000 American lives are saved each year.

Mr. Chairman, drunk driving is a serious crime. The swift and certain way to achieve zero tolerance of this crime by minors is to pass this amendment. My amendment builds on the success of the 21 law passed by Congress in 1984. Please support this amendment. We cannot be too tough on drunk driving.

Mr. Chairman, I urge Members to adopt my amendment.

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

Mr. Chairman, the reason I rise in opposition to this amendment is because it is counterproductive. The committee strongly believes in very tough drunk driving incentives, and indeed in the committee, in the legislation before us, thanks to the leadership of the gentleman from New York [Mr. QUINN], we have set .02 as the standard. But we have set it by incentives, not as a mandate. If there is anything we have learned around here with regard to mandates, it is that the hammer approach of sanctions has proven over the history of the Federal Aid to Highway Program to be unsuccessful. Incentives work much better.

For example, since the motorcycle helmet provisions and associated penalties were enacted in ISTEA in 1991, only one State has enacted a motorcycle helmet law that did not have one prior to ISTEA. Twenty-five States ignored taking action and had the Federal penalty imposed upon them.

States no longer respond positively to the heavy hand of the Federal Government mandates. They are speaking with their pocket-books. In fact, the irony here is that if we were to mandate a 5-percent reduction in funds, that simply means that the States would have less money to make the highways more safe. It is counterproductive.

We have in this legislation very strong incentives. Indeed, we should support, therefore, what is in the legislation and oppose this counterproductive amendment. A sanction of this sort will likely do more harm. The amendment proposed, and I am sure that is not the gentlewoman's intention, but will likely do more harm to the .02 cause than the positive improvement to the current incentive grant program contained in this bill.

So for those reasons, while I respect what the gentlewoman is attempting to do, it is counterproductive. Stick with the committee.

Mr. Chairman, I would urge defeat of this amendment.

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

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

Mr. GILMAN. Mr. Chairman, I rise in strong support of the amendment introduced by the gentlelady from New York [Mrs. LOWEY] and I commend the gentlelady for her efforts in bringing this important issue to the floor for our consideration.

According to the National Highway Traffic Safety Administration, 40 percent of traffic fatalities involving underage drivers are alcohol related. Given this telling statistic, it is beyond comprehension that although it is illegal in every State for persons under the age of 21 to purchase and consume alcoholic beverages, less than half the States have enacted zero tolerance laws to prohibit minors from drinking and driving regardless of the driver's level of intoxication.

This amendment strongly encourages the remaining States to adopt zero tolerance language by fiscal year 1998 or lose 5 percent of their Federal highway funding for that year. States which have adopted zero tolerance legislation have experienced a dramatic decrease in traffic fatalities among younger age drivers.

Mr. Chairman, this measure seeks to encourage common sense. Accordingly, I strongly urge my colleagues to support the Lowey zero tolerance amendment in the hope that we can reduce the number of senseless tragedies that result from underage drinking and driving.

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

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

Mr. BORSKI. Mr. Chairman, I wish to express my strong support for the very important amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Teenagers simply should not be allowed to drink and drive. It endangers them and it risks the lives of everyone else who is on the road.

Teenagers are the one group with the absolute least experience with alcohol and with driving—and with coping with the combination.

This amendment simply continues the process we began in 1984 when we set sanctions for States that do not enact 21-year-old minimum drinking age statutes.

Unfortunately, the way the law is now written, a teenager may not purchase alcohol but that same teenager may get a drink some other way and then hit the road—legally.

The gentlewoman's amendment would change that by requiring States to adopt statutes reducing the legal

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blood alcohol content for anyone under 21 who is driving to zero tolerance.

The amendment would use the same sanctions that were used in 1984 for the 21-year-old minimum drinking age.

States would face the loss of 5 percent of their highway funds if they do not enact zero tolerance statutes after 1 year.

The States would face a 10 percent penalty if the zero tolerance statutes are not adopted after the second year.

Mr. Chairman, the 21-year-old minimum drinking age statute was successful. It reduced fatalities and it eliminated the blood borders that existed between States with different minimum drinking ages.

But far too many of our young people still die on our Nation's highways and there are far too many alcohol-related crashes.

In 1993 alone, more than 2,300 teenagers died in alcohol-related crashes. That is 2,300 young people in a single year.

The 12 States that currently have lower alcohol limits for under-21 drivers have had a 20-percent reduction in alcohol-related crashes.

It is estimated that at least 375 alcohol-related crashes would be prevented each year if all States adopted zero tolerance laws.

This zero-tolerance amendment is absolutely vital for making our Nation's highways safer and for reducing alcohol related accidents.

This zero-tolerance amendment is common sense and good government.

It uses a modest sanction to ensure that our young people will live longer and the roads will be safer for everyone.

Let's put this house in support of ending teenage drinking and driving.

I commend the gentlewoman from New York for offering this important amendment and I urge its passage.

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

Mr. Chairman, I rise today to thank the gentlewoman from New York for her efforts to deter underage drinking and driving. While we share the same concerns, I must speak against her amendment, because it goes against everything we are trying to change about Washington.

My objection to the Lowey amendment is found in its approach, not in its substance. The gentlewoman's amendment will penalize the States by withholding 5 percent of their highway funds if they do not comply.

This is a States rights issue. At a time when we are trying to empower the States to govern themselves, we do not need to send them edicts and unfunded mandates from Washington that will withhold much needed highway funds if they do not comply.

This bill is a States rights bill. In the Transportation and Infrastructure Committee we started the trend to give rights back to the States by eliminating the national maximum speed limit and mandatory helmet laws. This amendment flies in the face of what we are trying to do here.

This very important safety provision of zero tolerance for underage drinking and driving has already been included in H.R. 2274. This provision, though, offers incentives to the States who comply, rather than penalizing them for not doing so.

Earlier this year I joined with my esteemed colleague from New York, the Reverend FLOYD FLAKE, to work on a bill designed to reduce drinking and driving among younger drivers.

It is a fact that traffic fatalities are the leading cause of death for those under the age of 21 and of those fatalities 40 percent are alcohol related. In addition, studies have shown that teenage driving is impaired at lower blood alcohol concentrations than that of an adult.

Zero tolerance laws that have been adopted in various States across the country have proven to reduce the incidence of fatal crashes among teenagers.

In closing, I would like to thank Chairman SHUSTER and Subcommittee Chairman PETRI for including my zero tolerance provision in this legislation.

Vote ''yes'' for zero tolerance of underage drinking and driving.

And vote ''yes'' for States rights by voting ''no'' on the Lowey amendment.

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

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I think we ought to support the Lowey amendment, because I think the Lowey amendment does what very often we like to do in our own families with our children, and which I think most American parents like to do with their children. That is, they like to be able to send a clear and unambiguous message, because very often we understand that young children need clarity in that message, and ambiguity very often confuses and causes misjudgments on their part.

What we have here is a situation where the government is sending two different messages. We clearly recognize that it is illegal, and with the support of the parents of this country, we have made it illegal for young people to drink under the age of 21. However, we say, on the other hand, ''If you have been drinking and then you get into an automobile and drive, and you are under the influence, we can tolerate that, and you will not be punished or some other action taken.''

So we are sending two different messages. It is illegal to drink, but if you do not get caught, but you are later caught in an automobile, actions are not going to be taken for your drinking.

That is a message that we should not be sending. The ambiguity of that message we should not be sending, and that is not a message that parents, I believe, want their government sending to young people. Yes, it is illegal, but if you do not get caught, it could be OK if you are in the right set of circumstances.

That is not what we do. We do not do this with marijuana, we do not do this with drugs. We do not say, You can use marijuana and then if you get caught driving under the influence, if you appear to be OK, you are released. We do not do that. I think we have to make it very clear here that parents send a message that they do not want their young people to use alcohol, and we ought not to allow this ambiguity.

Many of the arguments used against zero tolerance are the arguments that were used against it when we decided last year that we would have zero tolerance in our schools for people who bring weapons to schools. There are a lot of hard cases, a lot of difficult cases, but the fact is schools do not need to have weapons in them. People should not bring weapons to school. We needed to send out right messages. We heard that some States had done it, some were going to do it, some States did not like being told to do it. The fact is today all States have it. We have zero tolerance. We have sent a very clear message: Bring a gun to school, you are out for a year. No ambiguities. Bring a gun to school, you are out for a year.

What we are saying here, climb into a car, if you have been drinking and you are stopped for some reason, the State is going to make a determination about the price. This is not about sending edicts. This is not about sending mandates. This is about sending a set of values that we share with our constituents, we share them as parents, as grandparents, as people who are concerned with children. These are values that we share, and what we are saying is, Let us get on with it. Let us get down to the point where we can provide this kind of protection for our children. This is a very nonintrusive way. We are not saying how you have to mete out the penalties, we are not saying they cannot send them to education or counseling, what have you. All of that is available for communities and States to decide.

What we are saying is, as a national legislature we no longer want to tolerate the ambiguity and the danger, the danger that that ambiguity places our children in on a nightly and daily basis, and other people in on a nightly and daily basis on the roads of America.

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

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

Mr. WOLF. Mr. Chairman, I rise in very strong, strong support of the amendment. We did this in 1984, and it worked. Let me tell the Members why.

In the Washington, DC, area and in my congressional district, we basically

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had a situation whereby we had a blood border. We had young men and women from my congressional district in McLean and places like that going into Washington, DC, where the drinking age was 18, purchasing alcohol, coming out and getting killed on the George Washington Parkway. The number of deaths on the George Washington Parkway was amazing. One night I was coming back and there were police there, and I stopped and pulled over to the side, and there was a young lady under a blanket who had just died, had been in a collision, just south of 123.

When we did this in 1984, we saved a lot of live. I would tell the Members, as a father, a mother, a grandparent, or as somebody who has young children, think in terms of what this means to your family. I as a father of five children can still remember at nights listening to the gravel on the driveway, waiting for my children to come home, to know that they were safe. The most disturbing call that anyone can possibly get must be that telephone call, and I thank the good Lord that we have not gotten it, that telephone call at 12 or 1 o'clock to say your son or your daughter has been killed in an accident somewhere because of drunk driving, or things like that.

I do not want to put mandates on the States on all these other things. I stand with the body on most other issues. But on the safety issues and on this blood alcohol issue, I think this is one of the exceptions we should make. I would just ask, frankly, those of you out there who have never experienced what I have never experienced, we may not have experienced it because of the work that was done in this body in 1984. That language that we passed may have kept us from getting a telephone call, and we may not even know why we did not get the telephone call, but that may be why we did not get the telephone call. I would hope that the chairman would accept this language.

I would hope that something like this could come in, and maybe 5 percent is not it, maybe it should be 10 or 3, but somehow we know it worked in 1984, and we know it saved thousands of lives. We do not want the pain and agony in anyone's else's life. I strongly urge that it will work this time, and I urge support of this amendment.

Mr. Chairman, it is my pleasure to rise today in support of this amendment offered by the gentlewoman from New York [Mrs. LOWEY] to H.R. 2274, the National Highway System Designation Act.

This amendment will help save the lives of scores of young people and will make all our Nation's highway's safer. The amendment by the gentlewoman from New York strongly encourages States to implement zero-tolerance alcohol standards for drivers under the age of 21. It is the current law in every State that you must be at least 21 years of age to purchase or consume alcohol, and this amendment certainly is consistent with that law.

Furthermore, this amendment will be very effective, as States will lose a percentage of their basic Federal highway funds for each year, after October 1, 1998, that zero-tolerance laws are not in effect.

Did you know that according to the National Highway Traffic Safety Administration [NHTSA], 40 percent of traffic deaths involving underage drivers were alcohol related?

Did you know that in 1994 2,200 people were killed because minors were drinking and driving. And further that 1,600 of these people were teenagers themselves?

Mr. Chairman, it should be noted that the Lowey amendment has already been overwhelmingly adopted in the Senate version of this legislation and is supported by the National Association of Governors' Highway Safety Representatives and Mothers Against Drunk Driving.

I know what a widespread problem underage drinking and driving is. I have sponsored my own legislation, the High Risk Drivers Act of 1995, on this subject, and can remember the blood border days when youths would drive, many under the influence of alcohol, from States with higher drinking ages to places where they could more easily consume and buy alcohol.

The Lowey amendment will be an important step in combating drunk driving and, as a matter of public safety and concern for our children and grandchildren, should be accepted as part of H.R. 2274. Mr. Chairman, I applaud the efforts of the gentlewoman from New York and urge passage of her amendment.

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

Mr. Chairman, I am one of the gentlemen from Kentucky, and I mention that at the beginning of my remarks because distilled spirits are very important to the State of Kentucky, but I rise in support of this bill. I rise, knowing that the Distilled Spirits Council has come out with model legislation, Mr. Chairman, that the Distilled Spirits Council which represents distilleries across America, has used in State after State to encourage them to enact just the legislation we are discussing here today.

We need to make sure that young people understand, it is not a question of taking a little drink, it is not a question of being below a certain alcohol blood content level. It is a question of not getting behind the wheel of a car if you are drinking at all. If a young person up to age 21 is not allowed to drink or possess alcohol, what sense does it make, what sense does it make not to make sure they suffer the penalties of a drunk driving arrest?.

I may also be rising today because the day after tomorrow, on Friday, the September 22 I will be taking my then 16-year-old son to get this driver's license, his driver's permit. He turns 16 the day after tomorrow. When I take him to get that permit, I am going to be doing it with the same fear and the same concern that we have heard from other speakers; not necessarily that he will be driving while drinking, but rather, that he is going to be out on those roads, and that he could be at risk; that he could be at risk because another young person who does not understand zero tolerance is on the road.

We have seen a bipartisan, a truly bipartisan, support for this amendment here today. I think it should tell us something. It should tell us that a yes vote is what makes sense for the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Let me add one final issue, the issue of States rights. We are turning States rights on its head when we use that issue. I say that as one who has just come into this Chamber twice in a row on recorded votes and said that yes, States probably should have the right to set their own speed limits. I apologize to the gentleman from West Virginia [Mr. RAHALL], but I did vote against his amendments, because States do have different sets of circumstances that allow them and would justify different speed limits. We should not make that decision here in Washington.

However, I want to tell the Members, there is no different circumstance in any State in this Union that should allow a person under 21 to drive with one drop of alcohol in his or her blood. I support the amendment, and I urge its passage.

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

Mr. Chairman, I rise in support of the gentleman's amendment. Mr. Chairman, we have all, unfortunately, been touched by the deadly consequences of drunk drivers on our Nation's roads. We all struggle as Members of the human community and as legislators to figure out what we can do possibly to lower the chances of drunk driving.

How do we send that message? Today this amendment is one very important piece of sending that message. If a teenager is caught drinking and driving, even at very low blood alcohol levels, and he or she is penalized, chances are they will think twice next time. That is a chance, Mr. Chairman, we are obligated to take. Let me also comment on the States rights issues. We all struggle over the role of the Federal Government, and the heavy-handedness of it. Quite frankly, however, efforts to stop drunk driving and efforts to save lives on the road should reach across city, State, and Federal lines. This must be a united effort, and as Members of the Federal Government, as representatives elected to protect and promote safety, we cannot abdicate that role.

Again, let me just thank the gentlewoman from New York [Mrs. LOWEY] and commend her for bringing a very important amendment to a bill that is 99 percent there. It is a great national highway systems bill. With the gentlewoman's amendment adopted, it will certainly add to it.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Lowey amendment that would encourage States to enact a zero tolerance law to close a loophole in the National Minimum Drinking Age Law. Mr. Chairman, that law prohibits anyone under the age of 21 from consuming

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alcohol, yet does not prohibit them from driving after drinking. I ask my colleagues, does this loophole make sense? Certainly not. Zero tolerance laws make it illegal for underage persons to drink any amount of alcohol and then drive. As of 1994, 24 States had zero tolerance laws which make it illegal for an underage person to drink and drive with a .02 blood alcohol level or less. Less than one beer would put the average young adult over the limit.

Mr. Chairman, too many Americans have been personally affected by the tragedy of drunk driving. They have lost a family member, relative, or friend. While the 21-year-old drinking age has made significant strides in reducing these tragedies, we must not stop there. Mr. Chairman, we owe it to all members of society—particularly our children—to close this deadly loophole.

Support this important amendment.

□ 1630

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

Mr. Chairman, I rise in strong support of the Lowey amendment which would require States to enact zero tolerance laws that make it illegal for minors to drink and drive.

In one year alone, more than 22,000 people were killed in drunk driving accidents. Ten percent of those killed, more than 2,200, lost their lives in crashes involving alcohol and minors. We can do something about this national tragedy.

Data from the National Highway Safety Transportation Administration [NHSTA] indicates that legislative efforts to reduce drunk driving are achieving some success. In all, 24 States have adopted zero tolerance laws, and the alcohol-related crashes among minors in all of those States is down by 10 to 20 percent. In four of those States—Maine, New Mexico, North Carolina, and Wisconsin—the traffic fatalities among young drivers at night has decreased by 34 percent.

Even at blood alcohol concentrations as low as 0.02 percent, alcohol affects driving ability and the likelihood of a crash. Under the Lowey amendment teenagers who take just one drink and get behind the wheel of a car would be in violation of the law and would lose their licenses for several months.

During the spring, I attended a high school assembly in Bethesda, MD, and listened to a young man from California, Brandon Silvera, tell an auditorium full of teenagers why it doesn't pay to drink and drive. Brandon had been an athlete and an outstanding student. The summer prior to his senior year in high school, he was looking forward to the coming football season and making choices about which college he would attend. One evening, after attending several parties where he had a few drinks, he fell asleep at the wheel. His car veered off the road and he crashed into a tree. He was just a short distance from his home.

Brandon is now in his twenties. He has difficulty walking and his speech is slurred. Nevertheless, he travels around the country with his father urging teenagers not to drink and drive. Perhaps a zero tolerance law would have prevented the accident that changed this young man's life.

In terms of States rights, young people may well drive from 1 State to another where there are different laws.

A recent survey revealed that 80 percent of the young people in the Washington area had their first drink at age 14. Teenagers in Maryland and Virginia are more likely to drink than those in the city of Washington. The Washington area has more than one million underage children, and many seem to have no problem buying or getting their hands on alcohol. Parents surveyed believe their children's friends drink and drive, but few parents think their own children drink and drive.

I urge my colleagues to join me in saying, enough, to the senseless and preventable slaughter on our highways by supporting the Lowey amendment.

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

Mr. Chairman, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from West Virginia [Mr. RAHALL] for yielding.

Mr. Chairman, it is true that H.R. 2274 purports to provide an incentive to States to adopt zero tolerance by making .02 BAC a basic criteria. Unfortunately, the incentive provided is minimal at best and will not accomplish our goal. My amendment is the only one with teeth. The bill says if the States adopt .02 BAC in addition to other safety measures, they will get an incentive grant.

Well, let us read the fine print. Right now the section 410 program says to the States, ''undertake the following countermeasures to drunk driving and we will give you X amount of dollars.'' The trouble is when the States have complied with the criteria outlined in the 410 program, they do not get what they are promised, they get about half of what they were promised. So if we use the incentive grant as outlined in the bill, we are saying to the States, pass zero tolerance, and we promise not to give you any more of the money we already are not giving you.

What kind of an incentive is that? In 1984, we could have used incentive grants to encourage the States to pass 21 as the drinking age. Had we done that, 21 would not be the law of the land. It would be the law in part of the land. How many more of our children—and as a mother of three, I feel this very deeply—would have died as a result?

The key word in the Uniform Minimum Drinking Act of 1984 was uniform. We wanted all the States on a uniform basis to adopt 21 as the drinking age in a specified period of time. To those who favor the carrot over the stick, let us be honest. If we adopt my amendment, we will get zero tolerance in every State. We will get it soon. And as was the case with 21, no State will experience the withholding of any highway funds.

Mr. Chairman, I met with members of MADD in my district, in front of Mamaroneck High School just this week. I met with members of SADD, Students Against Drunk Driving. I spoke with the Mamaroneck police chief and his officers. I spoke with a father who lost his daughter in a drunk driving accident. No one in Mamaroneck, Mr. Chairman, spoke of States rights. They spoke instead of the moral imperative of passing drunk driving laws.

Too many Americans have been personally affected by the tragedy of drunk driving. Too many Americans have died. As parents, we owe it to our children to close this deadly loophole. Let us do everything we can to ensure that no parent will be awakened in the middle of the night with the awful news that their child has been killed in a drunk driving accident.

Mr. Chairman, we just cannot be too tough on drunk driving. I urge my colleagues to adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

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

RECORDED VOTE

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 203, not voting 8, as follows:

[Roll No. 678]

AYES—223

Ackerman	Diaz-Balart	Gilman
Andrews	Dicks	Goodling
Baesler	Dingell	Gordon
Baldacci	Dixon	Green
Barcia	Doggett	Gutierrez
Barrett (WI)	Dooley	Hall (OH)
Becerra	Doyle	Hamilton
Beilenson	Dunn	Hansen
Bentsen	Durbin	Harman
Berman	Edwards	Hastings (FL)
Bevill	Ehlers	Hefner
Bilbray	Engel	Heineman
Bishop	English	Herger
Bonior	Eshoo	Hilleary
Borski	Evans	Hinchey
Browder	Farr	Hobson
Brown (CA)	Fawell	Holden
Brown (OH)	Fazio	Horn
Bryant (TN)	Fields (LA)	Hutchinson
Bryant (TX)	Filner	Hyde
Burr	Flake	Jackson-Lee
Canady	Foglietta	Jacobs
Cardin	Foley	Jefferson
Castle	Forbes	Johnson (SD)
Chapman	Ford	Johnson, E. B.
Clay	Fowler	Johnston
Clement	Fox	Jones
Clyburn	Frank (MA)	Kanjorski
Coleman	Franks (CT)	Kaptur
Collins (IL)	Frelinghuysen	Kasich
Collins (MI)	Frisa	Kelly
Conyers	Frost	Kennedy (RI)
Coyne	Funderburk	Kennelly
Cramer	Furse	Kildee
Danner	Gejdenson	King
Davis	Gekas	Kingston
DeFazio	Gephardt	Kleczka
DeLauro	Gibbons	Klink
[illegible]	Gilchrest	[illegible]

Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Porter
Portman
Poshard
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Royce
Rush
Sanders
Sawyer
Saxton
Schiff
Schumer
Scott
Serrano
Shays
Slaughter
Smith (NJ)
Smith (WA)
Stark
Stockman
Stokes
Studds
Tanner
Tate
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Wamp
Ward
Waxman
Weldon (FL)
Whitfield
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—203

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brown (FL)
Brownback
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Dellums
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehrlich
Emerson
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Franks (NJ)
Gallegly
Ganske
Geren
Gillmor
Gonzalez
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hilliard
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hunter
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kim
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Obey
Olver
Oxley
Packard
Paxon
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Pryce
Quillen
Quinn
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Roth
Sabo
Salmon
Sanford
Scarborough
Schaefer
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Vucanovich
Walker
Walsh
Waters
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
White
Wicker
Williams
Wilson
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Fattah
Kennedy (MA)
Moakley
Reynolds
Roukema
Sisisky
Solomon
Tucker

□ 1659

Messrs. POMEROY, OLVER, TEJEDA, HILLIARD, Ms. BROWN of Florida, and Mrs. CLAYTON changed their vote from ''aye'' to ''no.''

Messrs. HUTCHINSON, RICHARDSON, ROSE, GOODLING, BRYANT of Tennessee, Mrs. KELLY, and Ms. RIVERS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

Ms. McCARTHY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the National Highway System bill, which reaffirms the Federal Government's commitment to building and maintaining the finest highway transportation system in the world.

Before I begin, I would like to say a few words about my colleague and mentor, the gentleman from California [Mr. MINETA], who will soon retire from his Chamber. It is altogether fitting that the man who came to this body to ''build bridges between people and over rivers'' that we are completing a highway bill in his final days in Congress and that we are doing so in the spirit of comity and bipartisanship, the governing principals of NORM MINETA. I will sincerely miss his guidance and friendship.

The National Highway System [NHS] bill we consider today is very much the product of Mr. MINETA's extensive work over the years at the Transportation Committee. This bill builds on the 90,000-mile Interstate System by adding an additional 70,000 miles of roads to be included in the new highway system. The idea behind the new NHS is to connect the interstate system and other roads of national significance with, airports, sea and river ports, train depots, and commercial and downtown areas.

The fifth district of Missouri, in the geographic center of the Nation and with a reputation as a transportation hub for the country, will benefit greatly from passage of this bill. The measure includes the important designation of Interstate 35, a superhighway for trade connecting Canada, the United States, and Mexico. In addition, the NHS bill includes such roads as Jackson County Roadway, U.S. 50 and Missouri 291.

Mr. Chairman, this bill will help position the United States to enter the next century with the finest transportation system in the world and provide us with the ability to move goods and people in a more safe, efficient, and cost-effective manner. I encourage our colleagues to support this very important bipartisan effort.

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

Mr. Chairman, I would like to engage the gentleman from Pennsylvania in a colloquy.

I would like to clarify that section 351 provides adequate safeguards to ensure no adverse impact on safety.

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

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

Mr. SHUSTER. Mr. Chairman, I say to my good friend, section 351 provides no exemption shall go into effect for 6 months. It also provides the Secretary may modify, revoke, or not have the exemption go into effect if he finds the exemption is not in the public interest and would have a significant adverse impact on safety.

Mr. LONGLEY. I thank the gentleman. I am committed to insuring the safety of commercial motor vehicles.

Mr. SHUSTER. I share the gentleman's concern.

AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FURSE: At the end of title III, insert the following:

SEC. 354. The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving of laws enacted in the states which allow a health care provider who treats an individual involved in a vehicular accident to report the blood alcohol level, if known, of such individual to the local law enforcement agency which has jurisdiction over the accident site if the blood alcohol concentration level exceeds the maximum level permitted under State law.

Ms. FURSE (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 Oregon?

There was no objection.

(Ms. FURSE asked and was given permission to revise and extent her remarks.)

Ms. FURSE. Mr. Chairman, drunk driving continues to be a serious health problem in America. According to Mothers Against Drunk Driving, over 950,000 people are killed or injured on our highways each year as a result of drunk driving. According to a study in my district, more than 86 percent of drunk drivers go through emergency rooms but are never charged in their offenses.

We can change these tragic figures. I want to tell you a story of a dedicated emergency room nurse from my district. Her name is Carol Bononno, and she was fed up with seeing the same drunk drivers come into her trauma unit time after time, and almost without exception these drunk drivers were not held accountable for their actions.

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

Ms. FURSE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I have examined the gentlewoman's amendment. I think it is a good amendment, and I support it. Our committee supports it.

Ms. FURSE. I thank the gentleman very much for that. I want to commend Ms. Carol Bononno for her work in doing this wonderful act. I thank the gentleman, and I thank the ranking member, too, for his kindness for accepting this amendment.

Mr. Chairman, drunk driving continues to be a serious health problem in America. According to a study conducted in my district, more than 86 percent of drunk drivers who go through emergency rooms are never charged for their offenses. In 1992, 41 percent of drivers killed in car crashes had alcohol in their system. According to Mothers Against Drunk Driving, over 950,000 people are killed or injured on our highways each year as a result of drunk drivers.

We can change this tragedy. I want to tell you the story of a dedicated emergency room nurse from my district, Carol Bononno, who was fed up with seeing the same drunk drivers come into her trauma unit time and time again. Almost without exception, these drunk drivers were not held accountable for their actions. Carol was frustrated that while there are laws for reporting serious public health problems such as child and elder abuse, there are none for drunk driving. Carol fought for 5 years to change Oregon's law. This year, after that long battle, she finally won. Carol proves that one person can make a difference. Carol's work will save the lives of Oregonians.

Blood alcohol reporting is nothing new, and has significant, widespread support. Currently, 29 States allow reporting in some fashion. My amendment is supported by Mothers Against Drunk Driving. In fact, a survey from the March 1992 edition of the American College of Emergency Room Physicians' Annals of Emergency Medicine said that 78 percent of emergency room physicians agree with blood alcohol reporting. Local police from my district helped draft this bill, and they say that these blood alcohol levels are often the critical piece of evidence necessary to help hold drunk drivers accountable. We need to encourage all States to examine this issue, and take this important step to give police the information they need to stop emergency rooms from being safe houses for drunk drivers.

Let me briefly state what my bill, H.R. 1982, does not do: It does not change the constitutional protections afforded all Americans regarding non consensual blood withdrawals. It does not require mandatory reporting of blood alcohol levels, although States are free to go further if they wish. It does not turn providers into police because these alcohol levels are obtained in the regular course of providing care. And it does not open health care providers to litigation because it has an immunity clause. But it does seek to solve a huge problem—drunk driving.

My amendment builds on the excellent alcohol provisions of H.R. 2274, and is a first step to promoting the goals of H.R. 1982. It calls for a study to evaluate the effectiveness of reducing drunk driving in States where blood alcohol reporting is permitted. This would be the first study of its kind, and it is my guess that it will be landmark study in the fight against drunk driving.

Importantly, it will mean that we are on the road to keeping 86 percent of drunk drivers slipping through the cracks of our laws. This amendment will mean that more emergency room nurses like Carol Bonnono will be able to help make our streets a safer place.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEILENSON

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

The CHAIRMAN. The Clerk will designate the amendment

The text of the amendment is a follows:

Amendment offered by Mr. BEILENSON: Page 59, after line 7, insert the following:

(c) GUARANTEE AND WARRANTY CLAUSES.—Section 112 of title 23, United State Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) GUARANTEE AND WARRANTY CLAUSES.—The Secretary shall, by regulation, permit a State highway department, in accordance with standards developed by the Secretary in such regulations, to include a clause in a contract for the construction of any Federal-aid highway project requiring the contractor to warrant the materials and work performed in accordance with the contractor's obligations and responsibilities under the terms of the contract. The warranty or guarantee clause shall be reasonably related to the materials and work performed and in accordance with the contractor's obligations and responsibilities under the terms of the contract and shall not be construed to require the contractor to perform maintenance.''.

(d) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding for developing standards under section 112(f) of title 23, United States Code, as added by subsection (c) of this section.

Mr. BEILENSON. Mr. Chairman, I ask unanimous consent that I be recognized for 10 minutes to speak on behalf of the amendment.

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

There was no objection.

Mr. BEILENSON. Mr. Chairman, I thank my colleagues for granting me the additional 5 minutes.

Mr. Chairman, at the outset, may I say that I am always somewhat amused, perhaps bemused is a better word, by the self-congratulatory oratory surrounding the highway bills we have here on the floor of the House of Representatives, all the accolades that we hear each year for our highway system and how it is the best in the world.

May I respectfully suggest that we stop burying our heads in the sand or perhaps it would be better to say burying our heads in the asphalt.

We may have the biggest highway system in the world. The truth of the matter is it is not the best. Anyone who has ever driven for any length of time on European highways and roads will be astonished at the difference in the quality between their roads and our roads. You can drive for hours in the old cities in the continent of Europe or the highways in the countryside and not experience the kinds of problems you experience here every day and everywhere in the United States.

Why? Because in most European countries they build their roads right in the first place, and so they have many fewer problems than we with maintaining them, and they are not forever repairing and repaving them as we are continually having to do here in the United States.

Mr. Chairman, the amendment that I am offering today proposes to do something about improving the quality of our highways. It would allow, not mandate, but merely allow State highway departments to use guarantee and warranty clauses on Federal aid highway construction contracts. Many Members are familiar with this very modest proposal and the base majority have given it overwhelming support twice during the past 4 years. When the House passed the ISTEA bill in October 1991, an amendment very much like this one passed by a vote of 400 to 26. It was replaced in the final bill by a GAO audit study reviewing the States' experiences with using warranties on highway contracts. This very same amendment, same as today's amendment, was agreed to last year by the House as a part of the national highway systems bill that we passed last year.

At that time, the chairman of the committee, my friend, the gentleman from California [Mr. MINETA], then ranking member and now the distinguished chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the chairman and ranking member of the subcommittee with jurisdiction, the gentleman from West Virginia [Mr. RAHALL], and the gentleman from Wisconsin [Mr. PETRI] all agreed to this identical language.

I think what was good enough for last year's bill designating the national highway system would be good enough for this legislation as well.

As most Members know, Mr. Chairman, Federal highway dollars have traditionally been reserved for construction rather than maintenance, and the Federal Highway Administration has generally prohibited States from requiring any warranties from contractors when awarding federally funded contracts. The rationale for this regulation is warranty might result in Federal participation in maintenance costs which, until recently, has been prohibited. The effect of this policy is we often reward the use of the cheapest, lowest-quality materials on highway construction and prevent States from building quality performance standards into their construction contracts.

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Transportation officials have, since 1981, under Mr. Reagan's administration and then again in 1985 under Mr. Bush's administration, sought to change this outdated policy, which Members should know has no statutory mandate. Those officials have contended the introduction of contractor guarantees into the bidding process might spur innovation, superior quality in the use of the kind of advanced technology other countries are already aggressively taking advantage of. Building better-quality roads should be a hallmark of our highway system, and simply giving States permission to hold contractors accountable for their work must be part of our national plan.

In Europe, where highway contracts are awarded on the basis of a combination of costs, quality and a contractor's 3-to-5-year full replacement guarantee, roads traditionally cost somewhat more to construct. They last twice as long as they do here in the United States. Sounder sub-bases, thicker pavements, advanced polymer additives, and stronger asphalt produce highways smoother and quieter and are stubbornly resistant to ruts, cracks, and potholes. European roads can handle heavier loads than permitted on U.S. highways.

Meanwhile, our own strict low-bid system gives contractors no incentive at all to consider long-term performance when preparing their bids. We literally reward the use of the cheapest, lowest-quality materials, and the least expensive labor. We actually penalize any effort to improve road quality or offer superior workmanship. This is an inflexible, unwise, and shortsighted policy that costs taxpayers billions of dollars in unnecessary highway repair bills and results in intolerable traffic delays.

It should come as no surprise to us that while Government expenditures for roads have doubled over the past decade, fully half of all roads in America are rated in fair to poor condition, and as the Office of Technology Assessment reported back in 1991, when construction quality is poor and repairs are needed constantly, the costs of providing alternative service or of traffic diversion and delay can equal the original capital cost, doubling the total expense of the highway project.

As we embark on a multibillion-dollar investment in our Nation's highway system, we owe it to the taxpayers to do everything we can to adopt reforms that will save us money, help make the road construction industry more competitive, stimulate investment, make our transportation infrastructure more durable and efficient.

Mr. Chairman, I am not suggesting that permitting States to demand a guarantee of a minimum quality standard of quality on highway projects would by itself cure our country's infrastructure ills. But Americans should be outraged that in an era of huge budget deficits, when we are cutting back drastically in so many other areas of domestic spending, that we have failed to fulfill our responsibility to see that Federal highway money is well spent.

I would like to bring my colleagues' attention to several recent developments that deal with this specific topic. Five years ago the Federal Highway Administration initiated a special experimental project to evaluate innovative contracting practices such as the use of warranty clauses. Eight State highway departments have taken advantage of this experiment to improve quality and increase contractor accountability. State officials have found the use of warranty requirements valuable and have found that warranted projects are higher quality and helped in getting contractors to repair projects expeditiously.

Second, in September 1994, the GAO issued a report on the use warranties and other ways to improve quality of our Nation's highways as required by ISTEA. That report recommended the Federal Highway Administration encourage States to experiment with and to try warranties and to clarify the regulatory ban on use of warranties if it does not apply to non-Federal projects.

Finally, last month, the Federal Highway Administration issued an interim final rule to permit greater use of warranties on Federal aid highway construction contracts. The main reason for this change from the existing policy is the original rationale for the prohibition no longer exists. ISTEA set up an interstate maintenance funding category for the preventive maintenance activities, which are now eligible for Federal funds. In addition, through its 5 years of experience with warranty clauses under the experimental project, the administration has determined warranties may, indeed, enhance the quality of Federal aid construction projects.

I strongly believe this amendment is important to encourage the use of practices that will improve the quality of our Nation's highways along with concepts such as value engineering, performance-related specifications, and life-cycle cost analysis. The use of warranties will, I believe, help the States more successfully build quality performance standards into their construction contracts.

This amendment fits very neatly into the new congressional leadership's plans for returning power to the States and decentralizing government. If you believe States should have more flexibility, as the majority of the Members on the floor of the House have been saying all year, then you should favor this amendment.

Finally, Mr. Chairman, my friend over there, the chairman of the committee, having said all of this, Mr. Chairman, I do feel very strongly, as my friend from Pennsylvania and my other friends on the committee know, I feel very strong about this issue. I am, in fact, greatly encouraged by the interim final rule which was recently promulgated by the Federal Highway Administration that would, as the FHWA says in its summary description of the proposed rule, and I quote them here, ''would permit a greater use of warranties on Federal aid highway construction projects within prescribed limits.''

□ 1715

I commend the FHWA for proposing this change, and I and others encourage them to stick by their guns this time. Similar, although not so far-reaching rules changes have been proposed in the past, only to fail at being adopted because of opposition in most cases because of some within the industry whose interests perhaps would have been threatened, or they thought their interests would have been threatened by these proposed changes.

But I am hopeful, and there is now strong support even among some in the industry itself for these proposed changes. I think that therefore we ought to give the FHWA the chance to take this useful step on their own. Consequently, Mr. Chairman, the gentleman from Pennsylvania [Mr. SHUSTER], my chairman, and my friend here from West Virginia, I ask unanimous consent at this time that I may be permitted to withdraw my amendment.

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

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

Mr. SHUSTER. Mr. Chairman, I want to make it very clear that it is the gentleman's leadership which has brought about very substantial improvements. We have in this legislation for the new national highway system requirements for life cycle costing and value engineering, thanks to the leadership of the gentleman.

As the gentleman has indicated, Federal highways is issuing a rulemaking or revising the regulations. So we want to continue working with the gentleman, and I salute him for his efforts and for his willingness to withdraw the amendment so that we can try to work things out.

Mr. BEILENSON. Mr. Chairman, I thank the gentleman for his kind comments.

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

Mr. BEILENSON. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I would like to associate myself with the comments of the gentleman from Pennsylvania [Mr. SHUSTER]. There is more than one way to skin a cat, so to speak. The gentleman has certainly been dedicated to this issue and making sure that the public gets more bang out of their buck, so to speak, for money that is spent on highway projects and ensuring the quality of that type of construction.

The Chairman has referred to how we have addressed those concerns in this

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NHS bill by the technique of value engineering analysis for NHS projects. Also in this bill there is a requirement that States utilize life cycle costing for certain NHS projects. Under this particular technique, all costs are expected to occur over a highway's usable life analyzed rather than just their initial cost.

So we will continue to work with the gentleman from California whose dedication and diligence I commend very highly.

Mr. BEILENSON. Mr. Chairman, reclaiming my time, I would like to thank the gentleman from Pennsylvania and the gentleman from West Virginia for their kind and helpful remarks and for the good work that they have done in this bill, although personally I do not think it goes far enough. In fact, the good things in the bill which are quite true are there, but they do not hold people responsible and accountable the way these guarantees would if we finally could get to them.

Finally, I want to say something to my friends on the committee. if the FHWA fails or is unable to proceed with this very sensible and, I think, overdue reform within the few months, we shall be back with this next year when the ISTEA bill is before us. We will at that time push forward with this amendment.

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

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

There was no objection.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee.

Mr. Chairman, I am sure that the gentleman will agree with me that no transportation safety issue is more important than the safe passage of our children.

Mr. SHUSTER. If the gentlewoman will yield, I certainly do agree.

Mrs. MORELLA. Mr. Chairman, countless children are at risk of serious injuries or death because their parents are unaware that some seatbelt systems are incompatible with child safety seats. Last year more than 700 children under age 4 died in car accidents and 80,000 more were injured.Denver recently set up a safety seat checkpoint. Of the 150 parents who brought in their cars, 148 out of 150 had improperly installed their child safety seat.

I think that tells us that perhaps we need to develop some short-term educational needs that can begin saving lives immediately by increasing proper child restraint use.

Mr. SHUSTER. If the gentlewoman will continue to yield, the gentlewoman, I think, will be pleased to note that section 402 of the safety grant program addresses this issue. Section 402 addresses the guidelines to encourage the proper use of child restraint systems.

Mrs. MORELLA. I appreciate that. However, Mr. Chairman, I feel that more specific measures should be encouraged. I would like to share some recommendations from the blue ribbon panel on child passenger safety established by the National Highway Traffic Safety Administration.

The panel recommends that child passenger safety education programs should be set up in every State. This includes telephone lines for consumers with questions, training for child passenger safety specialists, and one designated staff person in each State highway office that is fully trained in child passenger safety.

The panel also recommends that NHTSA should establish an electronic bulletin board system on child passenger safety to enable information on compatibility problems be shared among State highway safety offices.

Mr. SHUSTER. Mr. Chairman, I agree with the gentlewoman that this is indeed a necessary and worthwhile project. We will very seriously consider these recommendations made by the blue ribbon panel on child safety restraints.

Mrs. MORELLA. I thank the gentleman very much, Mr. Chairman, and I urge my colleagues to support the National Highway System Designation Act.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment, No. 22.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California: Page 97, after line 12, add the following:

SEC. 354. PROHIBITION ON PAYMENT OF SAFETY BONUSES.

Amounts in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1996, and non-Federal funds required by law as a condition for the receipt of such amounts, may not be expended for the payment of a safety bonus to a contractor.

Conform the table of contents of the bill accordingly.

Mr. MILLER of California. Mr. Chairman, I introduce this amendment and present it to the body to raise an issue that I think is of serious concern that has been raised recently in the press in Los Angeles, basically in the Los Angeles Times. That is the payment of safety bonuses to the contractors on the Los Angeles Metro project where we see a situation where already some nearly $3 million has been paid in safety bonuses to contractors on that project. Those contractors are in fact eligible for millions of dollars and more in safety bonuses.

Now, we all agree about trying to achieve a goal of the safe workplace, and it has been a very high priority of mine throughout my congressional career, and I am a strong believer in that. But what upsets me in this situation is that we see safety bonuses being paid and they are paid to contractors whose safety record is not very good at all. In fact, as we know, this subway system has been plagued with a series of problems that not only have been embarrassing but also, tragically, have been dangerous to the workers in that area and, in some cases, even to the surrounding property owners.

I notice in the story that they say, despite the higher than average injury rates on some of the contracts, the agency, in this case the Metropolitan Transit Authority, says that they believe that the project's overall record is no worse, no worse, than any other major project nationwide.

Then why did we pay the bonuses for them if we only got a project that was no worse? The fact is, what we find out in this story is that the people that have received, or the companies and the consortiums that have received, these bonuses, in the case of Tudor Selby, I believe it is, and Perini, received $1.3 million in bonuses. But their comparison of them to the U.S. injury rate, they are 138 percent higher.

Then it goes on to Mass Electric, 113 percent higher, and they have $300,000 in safety bonuses.

My concern is that I do not think that these safety bonuses are all that much related to safety. My concern is sometimes maybe these are used to kind of lubricate the process to keep the job going and cover up for some of the mistakes, or what have you, that are going on, higher than the ordinary course of business decisions that have been made.

I just do not think that when transit dollars are as hard to come by as they are today in this Congress, and we know the demand that this committee has placed on it every year from people who want additional transit dollars, I introduced this amendment because I would like to believe that the committee would take a look at this.

I do not know the right solution. I introduced the amendment as a cutoff of funds, or not a cutoff, but saying you could in the use of Federal dollars, and I am informed that perhaps maybe Federal dollars are not being used, but we know once you combine the pool, money is fungible. And I am just concerned, one, very much so, that we are not buying an incremental value of safety important to the workers on this project; but, secondly, if the local transportation agency, whether it is the Bay Area Rapid Transit district in my area or the Los Angeles district, if they want to engage in this, maybe they ought to do that with their taxpayer or ratepayer dollars. And that should be a local decision.

If they want to think that, they want to spend this kind of money in L.A., that does not appear as a block, to greater safety, then maybe the ratepayers and the local taxpayers ought to be in on that decision. But they should not just be using a pool of money that is supposed to be buying

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miles of tunnel or miles of track or cars for these systems, and dishing it out in this fashion.

So I do not expect to press this today, but I would just hope that the committee would give some attention to this matter, because I think it goes to the credibility of our authorizing process and it clearly goes to the scarcity of transit dollars.

The CHAIRMAN. The gentleman's time has expired.

(On request of Mr. SHUSTER and by unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

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

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to the gentleman that, while we oppose this amendment today, we commend him for focusing on this. There have been some real violations of this; there have been some serious problems. I want to assure the gentleman that we are instructing our investigative staff to get into this and to work with his staff on this, because we think that these problems should be dealt with.

Now, the problem with the amendment, of course, is it prohibits all of us—and I understand there are some very, very great success stories. BART, I understand, is a success story. WMATA here in Washington is a success story where they have actually reduced costs and improved safety. I salute the gentleman for calling this to our attention, and I assure him that we will focus on it with our investigators and his staff.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for those assurances. I want to say to the gentleman how much I appreciate that, because I know the work load and the demands and the requests that this committee gets from all of the Members of this Congress. I appreciate his response to this amendment.

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

Mr. MILLER of California. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman from California for yielding. I certainly salute him for his ever-constant vigilance of good, sound, public policy. We have just been made aware of this in the last couple of days. To my knowledge, we have not been aware of the problem with these safety bonuses before. As I understand, it has come to the public attention through a Los Angeles Times article this past Sunday.

I understand the gentleman's concern about Los Angeles, and there may or may not be a problem there. As I say, it has just come to our attention. We have not completely gathered all of that information there, and I commend the chairman for what he has said. I know that just recently I have been made aware that there is a safety bonus program in place in the bay area.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, that is correct.

Mr. RAHALL. So, are there any problems there that we do not know about?

Mr. MILLER of California. Not that I know of. I thank the gentleman, and I would just say that I appreciate his comments. I would say that if we are buying incremental safety, if we are buying a value here, we are helping the workers, then maybe this program works. But if we are not doing that, then I think we are perpetrating a fraud on the workers and probably on the taxpayers.

I think that maybe people may be more diligent about it if it came out of their local—out of the fare box, so to speak, or out of their local tax rate, than if they just thought maybe the Federal Government was contributing half to the safety bonus programs. I do not know. That is for the committee, and that is why I am not pressing the amendment, because I do not know that this is a solution. And I do not want to paint every other transit district with the same problems that have been highlighted in this article.

But if the committee would give some attention to this, and the Chairman has been nice enough to ensure that, I appreciate it, and I thank the gentleman for his comments.

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

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

There was no objection.

□ 1730

AMENDMENT OFFERED BY MR. WARD

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

The Clerk read as follows:

Amendment offered by Mr. WARD: Strike section 349 of the bill and conform the table of contents accordingly.

Mr. WARD. Mr. Chairman, my amendment would strike the language in this bill which takes the motorcycle-helmet requirement that has been imposed by the Federal Government out of statutory law or out of our statutes. That is to say we have in our current statutes the requirement that States pass a law requiring the wearing of motorcycle helmets within their State or face a loss of Federal dollars.

Mr. Chairman, I firmly and deeply believe that motorcycle helmets save lives, that motorcycle helmets reduce the overall medical expense which is borne by the people of this country in one way or another through increased insurance premiums, through increased health expenditures, or increased local hospital expenditures. In one way or another we pay for the people who choose to ride a motorcycle without a motorcycle helmet.

Mr. Chairman, I move passage of the amendment.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kentucky [Mr. WARD].

Mr. Chairman, I oppose this amendment which would strike from H.R. 2274 the repeal of the helmet penalties.

This year, 25 States lost to safety programs over $51 million in highway funds because they did not have universal helmet laws. If we adopt this amendment and do not repeal the penalties, this year and in the future that amount will double—that means that $100 million in highway construction and maintenance projects will not be able to go forward in these 25 States. I am sure that many of these foregone projects would go a long way toward improving safety.

Many penalized States are particularly frustrated with this loss of funds since many have fatality rates which are actually lower than many States which do have such laws. These States—through motorcycle rider education programs or other types of safety programs—have good motorcycle safety records.

Yet because they have chosen not to adopt the one method prescribed in Washington, these States are losing highway funds. And States with fatality rates far worse are not losing highway funds. This does not make sense.

I also oppose this amendment because I do not believe the Federal Government should be trying to impose its will on the States regarding this issue. Even without these penalties, a State can adopt a universal helmet law if it so chooses, and half of the States have done so. They don't need us telling them what to do.

As the Subcommittee on Surface Transportation has heard repeatedly over the past several years, States do view this as a Federal mandate.

And yet I must question the effectiveness of this mandate. Since ISTEA was enacted in 1991, only one State has passed the required law. This is not a good track record. Finally, I do not believe it is right or fair to try to blame the current problems of Medicaid or other health care problems on motorcycle riders. There are many activities people knowingly do which expose them to some health risk—using drugs, exposure to the sun, dangerous sports, overeating—and yet those people have not been subjected to the kind of rhetoric we hear on this issue.

We should repeal these penalties which take away much needed highway construction funds from fully half of all the States, which do not take into account other safety initiatives of the States, and have not proven to be effective. I urge the House to defeat this amendment.

Mr. MINETA. Mr. Chairman, I rise in support of the gentleman's amendment.

The helmet issue is another that is often described as a States' rights issue. Yet again, I must correct the record. When one State repeals its requirement for motorcycle riders to wear helmets, we all pay.

This is true for speed limits, and it is true for helmets.

Up to 80 percent of acute and long-term care is paid for with tax dollars. And helmets

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are 67 percent effective in preventing brain injury, exactly the type of injury that needs expensive, long-term care.

Most riders who incur these injuries are young people. That means the long-term care for such riders who incur severe injuries can last for 20, 30, or even 40 years. And, in most cases, public sources, such as Medicaid, will be paying the bills.

This body is currently considering reforming the Medicaid Program. If we care about controlling costs, we must care about preventing the lessening the severity of injuries in motorcycle crashes.

The best way to do that is to encourage States to require all riders to wear helmets. Current law does not force States to pass helmet laws. If they choose not to, a small portion of certain highway funds is directed to safety programs.

This is a reasonable approach that over time saves taxpayers millions of dollars.

I urge a ''yes'' vote on the amendment.

The CHAIRMAN. The question is on amendment offered by the gentleman from Kentucky [Mr. WARD].

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

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

The 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. DIAZ-BALART) having assumed the chair, Mr. HANSEN, 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. 2274) to amend title 23, United States Code, to designate the National Highway System, and for other purposes, pursuant to House Resolution 224, 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 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 the engrossment and third reading of the bill.

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

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

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

Mr. SHUSTER. 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 419, nays 7, not voting 8, as follows:

[Roll No. 679]

YEAS—419

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—7

Beilenson
Dellums
Gibbons
Jacobs
Johnston
Orton
Waters

NOT VOTING—8

Kennedy (MA)
Moakley
Reynolds
Roukema
Sisisky
Taylor (NC)
Tucker
Volkmer

□ 1753

Mr. GIBBONS changed his vote from ''yea'' to ''nay.''

Messrs. BACHUS, FATTAH, and FOGLIETTA changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2274, the bill just passed.

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 440)

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to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 440

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Highway System Designation Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

Sec. 101. National Highway System designation.
Sec. 102. Eligible projects for the National Highway System.
Sec. 103. Transferability of apportionments.
Sec. 104. Design criteria for the National Highway System.
Sec. 105. Applicability of transportation conformity requirements.
Sec. 106. Use of recycled paving material.
Sec. 107. Limitation on advance construction.
Sec. 108. Preventive maintenance.
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Sec. 134. Quality through competition.
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Sec. 136. Vehicle weight and longer combination vehicles exemption for Sioux City, Iowa.
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Sec. 143. Clarification of Eligibility.
Sec. 144. Toll roads, bridges, tunnels, nontoll roads that have a dedicated revenue source, and ferries.
Sec. 145. Transfer of funds between certain demonstration projects in Louisiana.
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TITLE II—NATIONAL CAPITAL REGION INTERSTATE TRANSPORTATION AUTHORITY

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TITLE III—FEDERAL HIGHWAY AND RAILROAD GRADE CROSSING SAFETY

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Sec. 305. Safety enforcement.
Sec. 306. Crossing elimination; statewide crossing freeze.

TITLE I—HIGHWAY PROVISIONS

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) IN GENERAL.—Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

''(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

''(1) DESIGNATION.—The most recent National Highway System (as of the date of enactment of this Act) as submitted by the Secretary of Transportation pursuant to this section is designated as the National Highway System.

''(2) MODIFICATIONS.—

''(A) IN GENERAL.—At the request of a State, the Secretary may—

''(i) add a new route segment to the National Highway System, including a new intermodal connection; or

''(ii) delete a route segment in existence on the date of the request and any connection to the route segment;

if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

''(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in the subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

''(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

''(A) meets the criteria established for the National Highway System under this title; and

''(B) enhances the national transportation characteristics of the National Highway System.''.

(b) ROUTE SEGMENTS IN WYOMING.—

(1) IN GENERAL.—The Secretary of Transportation shall cooperate with the State of Wyoming in monitoring the changes in growth along, and traffic patterns of, the route segments in Wyoming described in paragraph (2), for the purpose of future consideration of the addition of the route segments to the National Highway System in accordance with paragraphs (2) and (3) of section 103(c) of title 23, United States Code (as added by subsection (a)).

(2) ROUTE SEGMENTS.—The route segments referred to in paragraph (1) are—

(A) United States Route 191 from Rock Springs to Hoback Junction;

(B) United States Route 16 from Worland to Interstate Route 90; and

(C) Wyoming Route 59 from Douglas to Gillette.

SEC. 102. ELIGIBLE PROJECTS FOR THE NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Section 103(i) of title 23, United States Code, is amended—

(1) by striking paragraph (8) and inserting the following:

''(8) Capital and operating costs for traffic monitoring, management, and control facilities and programs.''; and

(2) by adding at the end the following:

''(14) Construction, reconstruction, resurfacing, restoration, and rehabilitation of, and operational improvements for, public highways connecting the National Highway System to—

''(A) ports, airports, and rail, truck, and other intermodal freight transportation facilities; and

''(B) public transportation facilities.

''(15) Construction of, and operational improvements for, the Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California. The Federal share of the cost of the construction and improvements shall be determined in accordance with section 120(b).''.

(b) DEFINITION.—Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining ''start-up costs for traffic management and control'' and inserting the following:

''The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control activities, such as integrated traffic control systems, incident management programs, and traffic control centers.''.

SEC. 103. TRANSFERABILITY OF APPORTIONMENTS.

The third sentence of section 104(g) of title 23, United States Code, is amended by striking ''40 percent'' and inserting ''60 percent''.

SEC. 104. DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.

Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

''(1) adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

''(2) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (1) and to conform to the particular needs of each locality.'';

(2) by striking subsection (c) and inserting the following:

''(c) DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.—

''(1) IN GENERAL.—A design for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the National Highway System (other than a highway also on the Interstate System) shall take into account, in addition to the criteria described in subsection (a)—

''(A) the constructed and natural environment of the area;

''(B) the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and

''(C) as appropriate, access for other modes of transportation.

''(2) DEVELOPMENT OF CRITERIA.—The Secretary, in cooperation with State highway agencies, shall develop criteria to implement paragraph (1). In developing the criteria, the Secretary shall consider the results of the committee process of the American Association of State Highway and Transportation Officials as adopted and published in 'A Policy on Geometric Design of Highways and Streets', after adequate opportunity for input by interested parties.''; and

(3) by striking subsection (q) and inserting the following:

''(q) ENVIRONMENTAL, SCENIC, AND HISTORIC VALUES.—Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System if the project is designed to—

''(1) allow for the preservation of environmental, scenic, or historic values;

''(2) ensure safe use of the facility; and

''(3) comply with subsection (a).''.

SEC. 105. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(j) of title 23, United States Code, is amended by striking ''plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.'' and inserting the following: ''plan for—

''(1) the implementation of a national ambient air quality standard for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

''(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).''.

(b) CLEAN AIR ACT REQUIREMENTS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

''(5) APPLICABILITY.—This subsection shall apply only with respect to—

''(A) a nonattainment area and each specific pollutant for which the area is designated as a nonattainment area; and

''(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.''.

SEC. 106. USE OF RECYCLED PAVING MATERIAL.

(a) IN GENERAL.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 109 note) is amended—

(1) by striking subsection (d) and inserting the following:

''(d) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—

''(1) CRUMB RUBBER MODIFIER RESEARCH.—Not later than 180 days after the date of enactment of the National Highway System Designation Act of 1995, the Administrator of the Federal Highway Administration shall develop testing procedures and conduct research to develop performance grade classifications, in accordance with the strategic highway research program carried out under section 307(d) of title 23, United States Code, for crumb rubber modifier binders. The testing procedures and performance grade classifications should be developed in consultation with representatives of the crumb rubber modifier industry and other interested parties (including the asphalt paving industry) with experience in the development of the procedures and classifications.

''(2) CRUMB RUBBER MODIFIER PROGRAM DEVELOPMENT.—

''(A) IN GENERAL.—The Administrator of the Federal Highway Administration shall make grants to States to develop programs to use crumb rubber from scrap tires to modify asphalt pavements. Each State may receive not more than $500,000 under this paragraph.

''(B) USE OF GRANT FUNDS.—Grant funds made available to States under this paragraph may be used—

''(i) to develop mix designs for crumb rubber modified asphalt pavements;

''(ii) for the placement and evaluation of crumb rubber modified asphalt pavement field tests; and

''(iii) for the expansion of State crumb rubber modifier programs in existence on the date the grant is made available.''; and

(2) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) the term 'asphalt pavement containing recycled rubber' means any mixture of asphalt and crumb rubber derived from whole scrap tires, such that the physical properties of the asphalt are modified through the mixture, for use in pavement maintenance, rehabilitation, or construction applications; and''.

(b) FUNDING.—Section 307(e)(13) of title 23, United States Code, is amended by inserting after the second sentence the following: ''Of the amounts authorized to be expended under this paragraph, $500,000 shall be expended in fiscal year 1996 to carry out section 1038(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 109 note) and $10,000,000 shall be expended in each of fiscal years 1996 and 1997 to carry out section 1038(d)(2) of the Act.''.

SEC. 107. LIMITATION ON ADVANCE CONSTRUCTION.

Section 115(d) of title 23, United States Code, is amended to read as follows:

''(d) REQUIREMENT OF INCLUSION IN TRANSPORTATION IMPROVEMENT PROGRAM.—The Secretary may not approve an application under this section unless the project is included in the transportation improvement program of the State developed under section 135(f).''.

SEC. 108. PREVENTIVE MAINTENANCE.

Section 116 of title 23, United States Code, is amended by adding at the end the following:

''(d) PREVENTIVE MAINTENANCE.—A preventive maintenance activity shall be eligible for Federal assistance under this title if the State demonstrates to the satisfaction of the Secretary that the activity is a cost-effective means of extending the life of a Federal-aid highway.''.

SEC. 109. ELIGIBILITY OF BOND AND OTHER DEBT INSTRUMENT FINANCING FOR REIMBURSEMENT AS CONSTRUCTION EXPENSES.

(a) IN GENERAL.—Section 122 of title 23, United States Code, is amended to read as follows:

''SEC. 122. PAYMENTS TO STATES FOR BOND AND OTHER DEBT INSTRUMENT FINANCING.

''(a) DEFINITION OF ELIGIBLE DEBT FINANCING INSTRUMENT.—In this section, the term 'eligible debt financing instrument' means a bond or other debt financing instrument, including a note, certificate, mortgage, or lease agreement, issued by a State or political subdivision of a State, the proceeds of which are used for an eligible Federal-aid project under this title.

''(b) FEDERAL REIMBURSEMENT.—Subject to subsections (c) and (d), the Secretary may reimburse a State for expenses and costs incurred by the State or a political subdivision of the State, for—

''(1) interest payments under an eligible debt financing instrument;

''(2) the retirement of principal of an eligible debt financing instrument;

''(3) the cost of the issuance of an eligible debt financing instrument;

''(4) the cost of insurance for an eligible debt financing instrument; and

''(5) any other cost incidental to the sale of an eligible debt financing instrument (as determined by the Secretary).

''(c) CONDITIONS ON PAYMENT.—The Secretary may reimburse a State under subsection (b) with respect to a project funded by an eligible debt financing instrument after the State has complied with this title to the extent and in the manner that would be required if payment were to be made under section 121.

''(d) FEDERAL SHARE.—The Federal share of the cost of a project payable under this section shall not exceed the pro-rata basis of payment authorized in section 120.

''(e) STATUTORY CONSTRUCTION.—Notwithstanding any other law, the eligibility of an eligible debt financing instrument for reimbursement under subsection (a) shall not—

''(1) constitute a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest on the eligible debt financing instrument; or

''(2) create any right of a third party against the United States for payment under the eligible debt financing instrument.''.

(b) DEFINITION OF CONSTRUCTION.—The first sentence of the undesignated paragraph defining ''construction'' of section 101(a) of title 23, United States Code, is amended by inserting ''bond costs and other costs relating to the issuance of bonds or other debt instrument financing in accordance with section 122,'' after ''highway, including''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 122 and inserting the following:

''122. Payments to States for bond and other debt instrument financing.''.

SEC. 110. FEDERAL SHARE FOR HIGHWAYS, BRIDGES, AND TUNNELS.

Section 129(a) of title 23, United States Code, is amended by striking paragraph (5) and inserting the following:

''(5) LIMITATION ON FEDERAL SHARE.—The Federal share payable for an activity described in paragraph (1) shall be a percentage determined by the State, but not to exceed 80 percent.''.

SEC. 111. APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.

Section 133(d) of title 23, United States Code, is amended by adding at the end the following:

''(5) APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of a transportation enhancement activity funded from the allocation required under paragraph (2), if real property or an interest in real property is to be acquired from a qualified organization exclusively for conservation purposes (as determined under section 170(h) of the Internal Revenue Code of 1986), the organization shall be considered to be the owner of the property for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''(B) FEDERAL APPROVAL PRIOR TO INVOLVEMENT OF QUALIFIED ORGANIZATION.—If Federal approval of the acquisition of the real property or interest predates the involvement of a qualified organization described in subparagraph (A) in the acquisition of the property, the organization shall be considered to be an acquiring agency or person as described in section 24.101(a)(2) of title 49, Code of Federal Regulations, for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''(C) ACQUISITIONS ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—If a qualified organization described in subparagraph (A) has contracted with a State highway administration or other recipient of Federal funds to acquire the real property or interest on behalf of the recipient, the organization shall be considered to be an agent of the recipient for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).''.

SEC. 112. STREAMLINING FOR TRANSPORTATION ENHANCEMENT PROJECTS.

Section 133(e) of title 23, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''(3) PAYMENTS.—The'' and inserting the following:

''(3) PAYMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the''; and

(B) by adding at the end the following:

''(B) ADVANCE PAYMENT OPTION FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—

''(i) IN GENERAL.—The Secretary may advance funds to the State for transportation enhancement activities funded from the allocation required by subsection (d)(2) for a fiscal year if the Secretary certifies for the fiscal year that the State has authorized and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities, and private citizens, with expertise related to transportation enhancement activities.

''(ii) LIMITATION ON AMOUNTS.—Amounts advanced under this subparagraph shall be limited to such amounts as are necessary to make prompt payments for project costs.

''(iii) EFFECT ON OTHER REQUIREMENTS.—This subparagraph shall not exempt a State from other requirements of this title relating to the surface transportation program.''; and

(2) by adding at the end the following:

''(5) TRANSPORTATION ENHANCEMENT ACTIVITIES.—

''(A) CATEGORICAL EXCLUSIONS.—To the extent appropriate, the Secretary shall develop categorical exclusions from the requirement that an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) be prepared for transportation enhancement activities funded from the allocation required by subsection (d)(2).

''(B) NATIONWIDE PROGRAMMATIC AGREEMENT.—The Administrator of the Federal Highway Administration, in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.), shall develop a nationwide programmatic agreement governing the review of transportation enhancement activities funded from the allocation required by subsection (d)(2), in accordance with—

''(i) section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

''(ii) the regulations of the Advisory Council on Historic Preservation.''.

SEC. 113. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

Section 144(l) of title 23, United States Code, is amended by adding at the end the following: ''Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.''.

SEC. 114. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) AREAS ELIGIBLE FOR FUNDS.—

(1) IN GENERAL.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting ''for areas in the State that were designated as nonattainment areas under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d))'' after ''may obligate funds''; and

(B) in paragraph (1)(A)—

(i) by striking ''contribute to the'' and inserting the following: ''contribute to—

''(i) the''; and

(ii) by adding at the end the following:

''(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or''.

(2) APPORTIONMENT.—Section 104(b)(2) of title 23, United States Code, is amended—

(A) in the second sentence, by striking ''is a nonattainment area (as defined in the Clean Air Act) for ozone'' and inserting ''was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994''; and

(B) in the third sentence—

(i) by striking ''is also'' and inserting ''was also''; and

(ii) by inserting ''during any part of fiscal year 1994'' after ''monoxide''.

(3) ORANGE STREET BRIDGE, MISSOULA, MONTANA.—Notwithstanding section 149 of title 23, United States Code, or any other law, a project to construct new capacity for the Orange Street Bridge in Missoula, Montana, shall be eligible for funding under the congestion mitigation and air quality improvement program established under the section.

(b) REMOVAL OF CERTAIN FUNDING LIMITATIONS.—Section 149(b)(1)(A) of title 23, United States Code, is amended by striking ''(other than clauses (xii) and (xvi) of such section), that the project or program'' and inserting '', that the publicly sponsored project or program''.

(c) EFFECT OF LIMITATION ON APPORTIONMENT.—Notwithstanding any other law, for each of fiscal years 1996 and 1997, any limitation under this section or an amendment made by this section on an apportionment otherwise authorized under section 1003(a)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1919) shall not affect any hold harmless apportionment adjustment under section 1015(a) of the Act (Public Law 102–240; 105 Stat. 1943).

(d) TRAFFIC MONITORING, MANAGEMENT, AND CONTROL FACILITIES AND PROGRAMS.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) to establish or operate a traffic monitoring, management, and control facility or program if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard.''.

SEC. 115. LIMITATION OF NATIONAL MAXIMUM SPEED LIMIT TO CERTAIN COMMERCIAL MOTOR VEHICLES.

(a) IN GENERAL.—Section 154 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 154. National maximum speed limit for certain commercial motor vehicles'';

(2) in subsection (a)—

(A) by inserting '', with respect to motor vehicles'' before ''(1)''; and

(B) in paragraph (4), by striking ''motor vehicles using it'' and inserting ''vehicles driven or drawn by mechanical power manufactured primarily for use on public highways (except any vehicle operated exclusively on a rail or rails) using it'';

(3) by striking subsection (b) and inserting the following:

''(b) MOTOR VEHICLE.—In this section, the term 'motor vehicle' has the meaning provided for 'commercial motor vehicle' in section 31301(4) of title 49, United States Code, except that the term does not include any vehicle operated exclusively on a rail or rails.'';

(4) in the first sentence of subsection (e), by striking ''all vehicles'' and inserting ''all motor vehicles''; and

(5) by redesignating subsection (i) as subsection (f).

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

''154. National maximum speed limit for certain commercial motor vehicles.''.

(2) Section 153(i)(2) of title 23, United States Code, is amended to read as follows:

''(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.''.

(3) Section 157(d) of title 23, United States Code, is amended by striking ''154(f) or''.

(4) Section 410(i)(3) of title 23, United States Code, is amended to read as follows:

''(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.''.

SEC. 116. FEDERAL SHARE FOR BICYCLE TRANSPORTATION FACILITIES AND PEDESTRIAN WALKWAYS.

Section 217(f) of title 23, United States Code, is amended by striking ''80 percent'' and inserting ''determined in accordance with section 120(b)''.

SEC. 117. SUSPENSION OF MANAGEMENT SYSTEMS.

Section 303 of title 23, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

''(c) STATE ELECTION.—A State may, at the option of the State, elect, at any time, not to implement, in whole or in part, 1 or more of the management systems required under this section. The Secretary may not impose any sanction on, or withhold any benefit from, a State on the basis of such an election.''; and

(2) in subsection (f)—

(A) by striking ''(f) ANNUAL REPORT.—Not'' and inserting the following:

''(f) REPORTS.—

''(1) ANNUAL REPORTS.—Not''; and

(B) by adding at the end the following:

''(2) REPORT ON IMPLEMENTATION.—Not later than October 1, 1996, the Secretary, in consultation with States, shall transmit to Congress a report on the management systems required under this section that makes recommendations as to whether, to what extent, and how the management systems should be implemented.''.

SEC. 118. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) IMPROVED COLLABORATION IN INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 6054 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 307 note) is amended by adding at the end the following:

''(e) COLLABORATIVE RESEARCH AND DEVELOPMENT.—In carrying out this part, the Secretary may carry out collaborative research and development in accordance with section 307(a)(2) of title 23, United States Code.''.

(b) TIME LIMIT FOR OBLIGATION OF FUNDS FOR INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS.—Section 6058 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 307 note) is amended by adding at the end the following:

''(f) OBLIGATION OF FUNDS.—

''(1) IN GENERAL.—Funds made available pursuant to subsections (a) and (b) after the date of enactment of this subsection, and other funds made available after that date to carry out specific intelligent transportation systems projects, shall be obligated not later than the last day of the fiscal year following the fiscal year with respect to which the funds are made available.

''(2) REALLOCATION OF FUNDS.—If funds described in paragraph (1) are not obligated by the date described in the paragraph, the Secretary may make the funds available to carry out any other activity with respect to which funds may be made available under subsection (a) or (b).''.

(c) CONFORMING AMENDMENTS.—

(1) The table in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2048) is amended—

(A) in item 10, by striking ''(IVHS)'' and inserting ''(ITS)''; and

(B) in item 29, by striking ''intelligent/vehicle highway systems'' and inserting ''intelligent transportation systems''.

(2) Section 6009(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2176) is amended by striking ''intelligent vehicle highway systems'' and inserting ''intelligent transportation systems''.

(3) Part B of title VI of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 307 note) is amended—

(A) by striking the part heading and inserting the following:

''PART B—INTELLIGENT TRANSPORTATION SYSTEMS'';

(B) in section 6051, by striking ''Intelligent Vehicle-Highway Systems'' and inserting ''Intelligent Transportation Systems'';

(C) by striking ''intelligent vehicle-highway systems'' each place it appears and inserting ''intelligent transportation systems'';

(D) in section 6054—

(i) in subsection (a)(2)(A), by striking ''intelligent vehicle-highway'' and inserting ''intelligent transportation systems''; and

(ii) in the subsection heading of subsection (b), by striking ''INTELLIGENT VEHICLE-HIGHWAY SYSTEMS'' and inserting ''INTELLIGENT TRANSPORTATION SYSTEMS'';

(E) in the subsection heading of section 6056(a), by striking ''IVHS'' and inserting ''ITS'';

(F) in the subsection heading of each of subsections (a) and (b) of section 6058, by striking ''IVHS'' and inserting ''ITS''; and

(G) in the paragraph heading of section 6059(1), by striking ''IVHS'' and inserting ''ITS''.

(4) Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103–331; 23 U.S.C. 104 note), is amended by striking ''intelligent vehicle highway systems'' and inserting ''intelligent transportation systems''.

(5) Section 109(a) of the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103–311; 23 U.S.C. 307 note) is amended—

(A) by striking ''Intelligent Vehicle-Highway Systems'' each place it appears and inserting ''Intelligent Transportation Systems''; and

(B) by striking ''intelligent vehicle-highway system'' and inserting ''intelligent transportation system''.

(6) Section 5316(d) of title 49, United States Code, is amended—

(A) in the subsection heading, by striking ''INTELLIGENT VEHICLE-HIGHWAY'' and inserting ''INTELLIGENT TRANSPORTATION''; and

(B) by striking ''intelligent vehicle-highway'' each place it appears and inserting ''intelligent transportation''.

SEC. 119. DONATIONS OF FUNDS, MATERIALS, OR SERVICES FOR FEDERALLY ASSISTED ACTIVITIES.

Section 323 of title 23, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services in connection with an activity eligible for Federal assistance under this title. In the case of such an activity with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the activity by the State highway agency shall be credited against the State share.''.

SEC. 120. METRIC CONVERSION OF TRAFFIC CONTROL SIGNS.

(a) Notwithstanding section 3(2) of the Metric Conversion Act of 1975 (15 U.S.C. 205b(2)) or any other law, no State shall be required to—

(1) erect any highway sign that establishes any speed limit, distance, or other measurement using the metric system; or

(2) modify any highway sign that establishes any speed limit, distance, or other measurement so that the sign uses the metric system.

(b) Upon receipt of a written notification by a State, referring to its right to provide notification under this subsection, the Secretary of Transportation shall waive, with respect to such State, any requirement that such State use or plan to use the metric system with respect to designing, preparing plans, specifications and estimates, advertising, or taking any other action with respect to Federal-aid highway projects or activities utilizing funds authorized pursuant to title 23, United States Code. Such waiver shall remain effective for the State until the State notifies the Secretary to the contrary: *Provided*, That a waiver granted by the Secretary will be in effect until September 30, 2000.

SEC. 121. IDENTIFICATION OF HIGH PRIORITY CORRIDORS.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240; 105 Stat. 2032) is amended—

(1) by striking paragraph (5) and inserting the following:

''(5)(A) I–73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan.

''(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

''(I) United States Route 220 from the Virginia-North Carolina border to I–581 south of Roanoke;

''(II) I–581 to I–81 in the vicinity of Roanoke;

''(III) I–81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

''(IV) United States Route 460 to the West Virginia State line.

''(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

''(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

''(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

''(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

''(I) in the case of I–73—

''(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

''(bb) State Route 68 to I–40;

''(cc) I–40 to United States Route 220 in Greensboro;

''(dd) United States Route 220 to United States Route 1 near Rockingham;

''(ee) United States Route 1 to the South Carolina State line; and

''(ff) South Carolina State line to Charleston, South Carolina; and

''(II) in the case of I–74—

''(aa) I–77 from Bluefield, West Virginia, to the junction of I–77 and the United States Route 52 connector in Surry County, North Carolina;

''(bb) the I–77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

''(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

''(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina.

''(ee) United States Route 220 to United States Route 74 near Rockingham;

''(ff) United States Route 74 to United States Route 76 near Whiteville;

''(gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and

''(hh) South Carolina State line to Charleston, South Carolina.

''(iv) Each route segment referred to in clause (i), (ii), or (iii) that is not a part of the Interstate System shall be designated as a route included in the Interstate System, at such time as the Secretary determines that the route segment—

''(I) meets Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

''(II) meets the criteria for designation pursuant to section 139 of title 23, United States Code, except that the determination shall be made without regard to whether the route segment is a logical addition or connection to the Interstate System.'';

(2) in paragraph (18)—

(A) by striking ''and''; and

(B) by inserting before the period at the end the following: '', and to the Lower Rio Grande Valley at the border between the United States and Mexico''; and

(3) by adding at the end the following:

''(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.

''(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.

''(24) The Dalton Highway from Deadhorse, Alaska to Fairbanks, Alaska.

''(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.''.

SEC. 122. REVISION OF AUTHORITY FOR INNOVATIVE PROJECT IN FLORIDA.

Item 196 of the table in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2058) is amended—

(1) by striking ''Orlando,''; and

(2) by striking ''Land & right-of-way acquisition & guideway construction for magnetic limitation project'' and inserting ''1 or more regionally significant, intercity ground transportation projects''.

SEC. 123. REVISION OF AUTHORITY FOR PRIORITY INTERMODAL PROJECT IN CALIFORNIA.

Item 31 of the table in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2062) is amended by striking ''To improve ground access from Sepulveda Blvd. to Los Angeles, California'' and inserting the following: ''For the Los Angeles International Airport central terminal ramp access project, $3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, $3,500,000; for the widening of Aviation Boulevard north of Imperial Highway, $1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, $950,000''.

SEC. 124. NATIONAL RECREATIONAL TRAILS FUNDING PROGRAM.

(a) CONTRACT AUTHORITY.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following:

''(g) CONTRACT AUTHORITY.—Funds authorized to be appropriated under this section shall be available for obligation in the manner as if the funds were apportioned under title 23, United States Code, except that the Federal share of any project under this section shall be determined in accordance with this section.

''(h) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be 50 percent.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is amended—

(A) by striking subsection (c) and inserting the following:

''(c) STATE ELIGIBILITY.—A State shall be eligible to receive moneys under this part if—

''(1) the Governor of the State has designated the State agency responsible for administering allocations under this section;

''(2) the State proposes to obligate and ultimately obligates any allocations received in accordance with subsection (e); and

''(3) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists in the State.'';

(B) in subsection (d), by striking paragraph (3);

(C) in subsection (e)—

(i) in paragraphs (3)(A), (5)(B), and (8)(B), by striking ''(c)(2)(A) of this section'' and inserting ''(c)(3)''; and

(ii) in paragraph (5)(A)(i), by striking ''(g)(5)'' and inserting ''(i)(5)''; and

(D) in subsection (i) (as redesignated by subsection (a)(1)), by striking paragraph (1) and inserting the following:

''(1) ELIGIBLE STATE.—The term 'eligible State' means a State (as defined in section 101 of title 23, United States Code) that meets the requirements of subsection (c).''.

(2) Section 104 of title 23, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

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

''(h) NATIONAL RECREATIONAL TRAILS FUNDING.—The Secretary shall expend, from administrative funds deducted under subsection (a), to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) $15,000,000 for each of fiscal years 1996 and 1997.''.

SEC. 125. INTERMODAL FACILITY IN NEW YORK.

(a) IN GENERAL.—The Secretary of Transportation shall make grants to the National Railroad Passenger Corporation for—

(1) engineering, design, and construction activities to permit the James A. Farley Post Office in New York, New York, to be used as an intermodal transportation facility and commercial center; and

(2) necessary improvements to and redevelopment of Pennsylvania Station and associated service buildings in New York, New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of $69,500,000 for fiscal years following fiscal year 1995, to remain available until expended.

SEC. 126. CLARIFICATION OF ELIGIBILITY.

The improvements to, or adjacent to, the main line of the National Railroad Passenger Corporation between milepost 190.23 at Central Falls, Rhode Island, and milepost 168.53 at Davisville, Rhode Island, that are necessary to support the rail movement of freight shall be eligible for funding under sections 103(e)(4), 104(b), and 144 of title 23, United States Code.

SEC. 127. BRISTOL, RHODE ISLAND, STREET MARKING.

Notwithstanding any other law, a red, white, and blue center line in the Main Street of Bristol, Rhode Island, shall be deemed to comply with the requirements of section 3B–1 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

SEC. 128. PUBLIC USE OF REST AREAS.

Notwithstanding section 111 of title 23, United States Code, or any project agreement under the section, the Secretary of Transportation shall permit the conversion of any safety rest area adjacent to Interstate Route 95 within the State of Rhode Island that was closed as of May 1, 1995, to use as a motor vehicle emissions testing facility. At the option of the State, vehicles shall be permitted to gain access to and from any such testing facility directly from Interstate Route 95.

SEC. 129. COLLECTION OF TOLLS TO FINANCE CERTAIN ENVIRONMENTAL PROJECTS IN FLORIDA.

Notwithstanding section 129(a) of title 23, United States Code, on request of the Governor of the State of Florida, the Secretary of Transportation shall modify the agreement entered into with the transportation department of the State and described in section 129(a)(3) of the title to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of an environmental project that is carried out under State law and approved by the Secretary of the Interior.

SEC. 130. HOURS OF SERVICE OF DRIVERS OF GROUND WATER WELL DRILLING RIGS.

(a) DEFINITIONS.—In this section:

(1) 8 CONSECUTIVE DAYS.—The term ''8 consecutive days'' means the period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) 24-HOUR PERIOD.—The term ''24-hour period'' means any 24-consecutive-hour period

beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) GROUND WATER WELL DRILLING RIG.—The term ''ground water well drilling rig'' means any vehicle, machine, tractor, trailer, semitrailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(b) GENERAL RULE.—In the case of a driver of a commercial motor vehicle subject to regulations prescribed by the Secretary of Transportation under sections 31136 and 31502 of title 49, United States Code, who is used primarily in the transportation and operation of a ground water well drilling rig, for the purpose of the regulations, any period of 8 consecutive days may end with the beginning of an off-duty period of 24 or more consecutive hours.

(c) REPORT.—The Secretary of Transportation shall monitor the commercial motor vehicle safety performance of drivers of ground water well drilling rigs. If the Secretary determines that public safety has been adversely affected by the general rule established by subsection (b), the Secretary shall report to Congress on the determination.

SEC. 131. RURAL ACCESS PROJECTS.

Item 111 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2042) is amended—

(1) by striking ''Parker County'' and inserting ''Parker and Tarrant Counties''; and

(2) by striking ''to four-lane'' and inserting ''in Tarrant County to freeway standards and in Parker County to a 4-lane''.

SEC. 132. INCLUSION OF HIGH PRIORITY CORRIDORS.

Section 1105(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240; 105 Stat. 2033) is amended by adding at the end the following: ''The Secretary of Transportation shall include High Priority Corridor 18 as identified in section 1105(c) of this Act, as amended, on the approved National Highway System after completion of the feasibility study by the States as provided by such Act.''.

SEC. 133. SENSE OF THE SENATE REGARDING THE FEDERAL–STATE FUNDING RELATIONSHIP FOR TRANSPORTATION.

(a) FINDINGS.—

(1) The designation of high priority roads through the National Highway System is required by the Intermodal Surface Transportation Efficiency Act (ISTEA) and will ensure the continuation of funding which would otherwise be withheld from the States.

(2) The Budget Resolution supported the re-evaluation of all Federal programs to determine which programs are more appropriately a responsibility of the States.

(3) Debate on the appropriate role of the Federal Government in transportation will occur in the re-authorization of ISTEA.

(b) SENSE OF SENATE.—Therefore, it is the sense of the Senate that the designation of the NHS does not assume the continuation or the elimination of the current Federal-State relationship nor preclude a re-evaluation of the Federal-State relationship in transportation.

SEC. 134. QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

''(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

''(D) INDIRECT COST RATES.—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

''(E) EFFECTIVE DATE/STATE OPTION.—Subparagraphs (C) and (D) shall take effect upon the date of enactment of this Act: *Provided however,* That if a State, during the first regular session of the State legislature convening after the date of enactment of this Act, adopts by statute an alternative process intended to promote engineering and design quality, reduce life-cycle costs, and ensure maximum competition by professional companies of all sizes providing engineering and design services. Such subparagraphs shall not apply in that State.''.

SEC. 135. FEDERAL SHARE FOR ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) (as amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–388; 106 Stat. 1565)) is amended—

(1) in paragraph (2), by striking ''and'' at the end and inserting ''or''; and

(2) in paragraph (3), by striking ''section 143 of title 23'' and inserting ''a project for the construction, reconstruction, or improvement of a development highway on a Federal-aid system, as described in section 103 of such title (as in effect on the day before the date of enactment of this Act) (other than the Interstate System), under section 143 of such title''.

SEC. 136. VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTION FOR SIOUX CITY, IOWA.

(a) VEHICLE WEIGHT LIMITATIONS.—The proviso in the second sentence of section 127(a) of title 23, United States Code, is amended by striking ''except for those'' and inserting the following: ''except for vehicles using Interstate 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for''.

(b) LONGER COMBINATION VEHICLES.—Section 127(d)(1) of title 23, United States Code, is amended by adding at the end the following:

''(F) IOWA.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State of Iowa may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and Interstate 129 between Sioux City, Iowa, and the border between Iowa and Nebraska.''.

SEC. 137. REVISION OF AUTHORITY FOR CONGESTION RELIEF PROJECT IN CALIFORNIA.

Item 1 of the table in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2029) is amended by striking ''Construction of HOV Lanes on I–710'' and inserting ''Construction of automobile and truck separation lanes at the southern terminus of I–710''.

SEC. 138. APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection.''.

SEC. 139. PROHIBITION ON NEW HIGHWAY DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Notwithstanding any other law, neither the Secretary of Transportation nor any other officer or employee of the United States may make funds available for obligation to carry out any demonstration project described in subsection (b) that has not been authorized, or for which no funds have been made available, as of the date of enactment of this Act.

(b) PROJECTS.—Subsection (a) applies to a demonstration project or program that the Secretary of Transportation determines—

(1)(A) concerns a State-specific highway project or research or development in a specific State; or

(B) is otherwise comparable to a demonstration project or project of national significance authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2027); and

(2) does not concern a federally owned highway.

SEC. 140. TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled ''An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa'', approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

SEC. 141. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred

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to in this subsection as the ''Administrator'') shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the ''Administrator'') shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

SEC. 142. ELIMINATION OF PENALTIES FOR NONCOMPLIANCE WITH MOTORCYCLE HELMET USE REQUIREMENT.

Section 153(h) of title 23, United States Code, is amended by striking ''a law described in subsection (a)(1) and'' each place it appears.

SEC. 143. CLARIFICATION OF ELIGIBILITY.

The improvements to the former Pocono Northeast Railway Company freight rail line by the Luzerne County Redevelopment Authority that are necessary to support the rail movement of freight, shall be eligible for funding under sections 130, 144, and 149 of title 23, United States Code.

SEC. 144. TOLL ROADS, BRIDGES, TUNNELS, NONTOLL ROADS THAT HAVE A DEDICATED REVENUE SOURCE, AND FERRIES.

Section 129 of title 23, United States Code, is amended—

(1) by revising the title to read as follows:

''§ 129. Toll roads, bridges, tunnels, non-toll roads that have a dedicated revenue source, and ferries''; and

(2) by revising paragraph 129(a)(7) to read as follows:

''(7) LOANS.—

''(A) IN GENERAL.—A State may loan an amount equal to all or part of the Federal share of a toll project or a non-toll project that has a dedicated revenue source, specifically dedicated to such project or projects under this section, to a public entity constructing or proposing to construct a toll facility or non-toll facility with a dedicated revenue source. Dedicated revenue sources for non-toll facilities include: excise taxes, sales taxes, motor vehicle use fees, tax on real property, tax increment financing, or such other dedicated revenue source as the Secretary deems appropriate.''.

SEC. 145. TRANSFER OF FUNDS BETWEEN CERTAIN DEMONSTRATION PROJECTS IN LOUISIANA.

Notwithstanding any other law, the funds available for obligation to carry out the project in West Calcasieu Parish, Louisiana, authorized by section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17; 101 Stat. 194) shall be made available for obligation to carry out the project for Lake Charles, Louisiana, authorized by item 17 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2038).

SEC. 146. NORTHWEST ARKANSAS REGIONAL AIRPORT CONNECTOR.

Notwithstanding any other provision of law, the Federal share for the intermodal connecter to the Northwest Arkansas Regional Airport from U.S. Highway 71 in Arkansas shall be 95 percent.

SEC. 147. INTERCITY RAIL INFRASTRUCTURE INVESTMENT.

(a) INTERSTATE RAIL COMPACTS.—

(1) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(A) retaining an existing service or commencing a new service;

(B) assembling rights-of-way; and

(C) performing capital improvements, including—

(i) the construction and rehabilitation of maintenance facilities;

(ii) the purchase of locomotives; and

(iii) operational improvements, including communications, signals, and other systems.

(2) FINANCING.—An interstate compact established by States under paragraph (1) may provide that, in order to carry out the compact, the States may—

(A) accept contributions from a unit of State or local government or a person;

(B) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(C) on such terms and conditions as the States consider advisable—

(i) borrow money on a short-term basis and issue notes for the borrowing; and

(ii) issue bonds; and

(D) obtain financing by other means permitted under Federal or State law.

(b) ELIGIBILITY OF PASSENGER RAIL AS SURFACE TRANSPORTATION PROGRAM PROJECT.—Section 133(b) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting '', railroads,'' after ''highways)'';

(2) in paragraph (2)—

(A) by inserting '', all eligible activities under section 5311 of title 49, United States Code,'' before ''and publicly owned'';

(B) by inserting ''or rail passenger'' after ''intercity bus''; and

(C) by inserting before the period at the end the following: '', including terminals and facilities owned by the National Railroad Passenger Corporation''; and

(3) in paragraph (6), by inserting '', and for passenger rail services,'' after ''programs''.

(c) ELIGIBILITY OF PASSENGER RAIL UNDER CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) if the project or program will have air quality benefits through construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operating support.''.

SEC. 148. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.

Section 158(a) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.—

''(A) FISCAL YEAR 1998.—If the condition described in subparagraph (C) exists in a State as of October 1, 1998, the Secretary shall withhold, on October 1, 1998, 5 percent of the amount required to be apportioned to the State under each of paragraphs (1), (2), (5), and (6) of section 104(b) for fiscal year 1998.

''(B) FISCAL YEARS THEREAFTER.—If the condition described in subparagraph (C) exists in a State as of October 1, 1999, or any October 1 thereafter, the Secretary shall withhold, on that October 1, 10 percent of the amount required to be apportioned to the State under each of paragraphs (1), (2), (5), and (6) of section 104(b) for the fiscal year beginning on that October 1.

''(C) CONDITION.—The condition referred to in subparagraphs (A) and (B) is that an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater when operating a motor vehicle in the State is not considered to be driving while intoxicated or driving under the influence of alcohol.''; and

(2) in paragraph (2), by striking ''AFTER THE FIRST YEAR'' and inserting ''PURCHASE AND POSSESSION OF ALCOHOLIC BEVERAGES BY MINORS''.

SEC. 149. CONTINGENT COMMITMENTS.

At the end of section 5309(g)(4) of title 49, United States Code, add the following new sentence: ''The Secretary may enter future obligations in excess of 50 percent of said uncommitted cash balance for the purpose of contingent commitments for projects authorized under section 3032 of Public Law 102–240.''.

SEC. 150. AVAILABILITY OF CERTAIN FUNDS FOR BOSTON-TO-PORTLAND RAIL CORRIDOR.

Section 5309 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(p) BOSTON-TO-PORTLAND RAIL CORRIDOR.—Notwithstanding any other provision of law, up to $3,600,000 of the funds made available under this section for the rail corridor between Boston, Massachusetts and Portland, Maine may be used to pay for operating costs arising in connection with such rail corridor under section 5333(b).''.

SEC. 151. REVISION OF AUTHORITY OF MULTIYEAR CONTRACTS.

Section 3035(ww) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2136) is amended by adding at the end the following: ''Of the funds provided by this subsection, $100,000,000 is authorized to be appropriated for regionally significant ground transportation projects in the State of Hawaii.''.

SEC. 152. FEASIBILITY STUDY OF EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.

Notwithstanding any other provisions of law, section 1105(e)(2) of Public Law 102–240 is amended by adding at the end the following new sentence: ''A feasibility study may be conducted under this subsection to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.''.

SEC. 153. 34TH STREET CORRIDOR PROJECT IN MOORHEAD, MINNESOTA.

Section 149(a)(5)(A) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17; 101 Stat. 181) is amended—

(1) in clause (i), by striking ''and'' at the end; and

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(2) by inserting ''and (iii) a safety overpass,'' after ''interchange,''.

SEC. 154. SAFETY BELT USE LAW REQUIREMENTS FOR NEW HAMPSHIRE AND MAINE.

The State of New Hampshire and the State of Maine shall be deemed as having met the safety belt use law requirements of section 153 of title 23, United States Code, upon certification by the Secretary of Transportation that the State has achieved—

(1) a safety belt use rate in each of fiscal years ending September 30, 1995 and September 30, 1996, of not less than 50 percent; and

(2) a safety belt use rate in each succeeding fiscal year thereafter of not less than the national average safety belt use rate, as determined by the Secretary of Transportation.

SEC. 155. REPORT ON ACCELERATED VEHICLE RETIREMENT PROGRAMS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report evaluating the effectiveness of all accelerated vehicle retirement programs described in section 108(f)(1)(A)(xvi) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)(xvi)) in existence on the date of enactment of this Act. The report shall evaluate—

(1) the certainties of emissions reductions gained from each program;

(2) the variability of emissions of retired vehicles;

(3) the reduction in the number of vehicle miles traveled by the vehicles retired as a result of each program;

(4) the subsequent actions of vehicle owners participating in each program concerning the purchase of a new or used vehicle or the use of such a vehicle;

(5) the length of the credit given to a purchaser of a retired vehicle under each program;

(6) equity impacts of the programs on the used car market for buyers and sellers; and

(7) such other factors as the Administrator determines appropriate.

SEC. 156. INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(m) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of date of enactment of this Act from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

SEC. 157. MORATORIUM.

(a) IN GENERAL.—Notwithstanding any other provision of law, no agency of the Federal Government may take any action to prepare, promulgate, or implement any rule or regulation addressing rights-of-way authorized pursuant to Revised Statutes 2477 (43 U.S.C. 932), as such law was in effect prior to October 21, 1976.

(b) SUNSET.—This section shall cease to have any force or effect after December 1, 1995.

TITLE II—NATIONAL CAPITAL REGION INTERSTATE TRANSPORTATION AUTHORITY

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Capital Region Interstate Transportation Authority Act of 1995''.

SEC. 202. FINDINGS.

Congress finds that—

(1) traffic congestion imposes serious economic burdens on the metropolitan Washington, D.C., area, costing each commuter an estimated $1,000 per year;

(2) the volume of traffic in the metropolitan Washington, D.C., area is expected to increase by more than 70 percent between 1990 and 2020;

(3) the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the metropolitan Washington, D.C., area contribute significantly to traffic congestion;

(4) the Bridge serves as a vital link in the Interstate System and in the Northeast corridor;

(5) identifying alternative methods for maintaining this vital link of the Interstate System is critical to addressing the traffic congestion of the area;

(6) the Bridge is—

(A) the only drawbridge in the metropolitan Washington, D.C., area on the Interstate System;

(B) the only segment of the Capital Beltway with only 6 lanes; and

(C) the only segment of the Capital Beltway with a remaining expected life of less than 10 years;

(7) the Bridge is the only part of the Interstate System owned by the Federal Government;

(8)(A) the Bridge was constructed by the Federal Government;

(B) prior to the date of enactment of this Act, the Federal Government has contributed 100 percent of the cost of building and rehabilitating the Bridge; and

(C) the Federal Government has a continuing responsibility to fund future costs associated with the upgrading of the Interstate Route 95 crossing, including the rehabilitation and reconstruction of the Bridge;

(9) the Woodrow Wilson Bridge Coordination Committee, established by the Federal Highway Administration and comprised of representatives of Federal, State, and local governments, is undertaking planning studies pertaining to the Bridge, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws;

(10) the transfer of ownership of the Bridge to a regional entity under the terms and conditions described in this title would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the Bridge;

(11) any material change to the Bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and

(12) a commission of congressional, State, and local officials and transportation representatives has recommended to the Secretary of Transportation that the Bridge be transferred to an independent authority to be established by the Capital Region jurisdictions.

SEC. 203. PURPOSES.

The purposes of this title are—

(1) to grant consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to establish the National Capital Region Interstate Transportation Authority; and

(2) to authorize the transfer of ownership of the Bridge to the Authority for the purposes of owning, constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River.

SEC. 204. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term ''Authority'' means the National Capital Region Interstate Transportation Authority authorized by this title and by similar enactment by each of the Capital Region jurisdictions.

(2) AUTHORITY FACILITY.—The term ''Authority facility'' means—

(A) the Bridge (as in existence on the date of enactment of this Act);

(B) any southern Capital Beltway crossing of the Potomac River constructed in the vicinity of the Bridge after the date of enactment of this Act; or

(C) any building, improvement, addition, extension, replacement, appurtenance, land, interest in land, water right, air right, franchise, machinery, equipment, furnishing, landscaping, easement, utility, approach, roadway, or other facility necessary or desirable in connection with or incidental to a facility described in subparagraph (A) or (B).

(3) BOARD.—The term ''Board'' means the board of directors of the Authority established under section 206.

(4) BRIDGE.—The term ''Bridge'' means the Woodrow Wilson Memorial Bridge across the Potomac River.

(5) CAPITAL REGION JURISDICTION.—The term ''Capital Region jurisdiction'' means—

(A) the Commonwealth of Virginia;

(B) the State of Maryland; or

(C) the District of Columbia.

(6) INTERSTATE SYSTEM.—The term ''Interstate System'' means the Dwight D. Eisenhower National System of Interstate and Defense Highways designated under section 103(e) of title 23, United States Code.

(7) NATIONAL CAPITAL REGION.—The term ''National Capital Region'' means the region consisting of the metropolitan areas of—

(A)(i) the cities of Alexandria, Fairfax, and Falls Church, Virginia; and

(ii) the counties of Arlington and Fairfax, Virginia, and the political subdivisions of the Commonwealth of Virginia located in the counties;

(B) the counties of Montgomery and Prince Georges, Maryland, and the political subdivisions of the State of Maryland located in the counties; and

(C) the District of Columbia.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 205. ESTABLISHMENT OF AUTHORITY.

(a) CONSENT TO AGREEMENT.—Congress grants consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into an interstate agreement or compact to establish the National Capital Region Interstate Transportation Authority in accordance with this title.

(b) ESTABLISHMENT OF AUTHORITY.—

(1) IN GENERAL.—On execution of the interstate agreement or compact described in subsection (a), the Authority shall be considered to be established.

(2) GENERAL POWERS.—The Authority shall be a body corporate and politic, independent of all other bodies and jurisdictions, having the powers and jurisdiction described in this title and such additional powers as are conferred on the Authority by the Capital Region jurisdictions, to the extent that the additional powers are consistent with this title.

SEC. 206. GOVERNMENT OF AUTHORITY.

(a) IN GENERAL.—The Authority shall be governed in accordance with this section and with the terms of any interstate agreement or compact relating to the Authority that is consistent with this title.

(b) BOARD.—The Authority shall be governed by a board of directors consisting of 12 members appointed by the Capital Region jurisdictions and 1 member appointed by the Secretary.

(c) QUALIFICATIONS.—One member of the Board shall have an appropriate background in finance, construction lending, or infrastructure policy.

(d) CHAIRPERSON.—The chairperson of the Board shall be elected biennially by the members of the Board.

(e) SECRETARY AND TREASURER.—The Board may—

(1) biennially elect a secretary and a treasurer, or a secretary-treasurer, without regard to whether the individual is a member of the Board; and

(2) prescribe the powers and duties of the secretary and treasurer, or the secretary-treasurer.

(f) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Board shall serve for a 6-year term, and shall continue to serve until the successor of the member has been appointed in accordance with this subsection.

(2) INITIAL APPOINTMENTS.—

(A) BY CAPITAL REGION JURISDICTIONS.—Members initially appointed to the Board by a Capital Region jurisdiction shall be appointed for the following terms:

(i) 1 member shall be appointed for a 6-year term.

(ii) 1 member shall be appointed for a 4-year term.

(iii) 2 members shall each be appointed for a 2-year term.

(B) BY SECRETARY.—The member of the Board appointed by the Secretary shall be appointed for a 6-year term.

(3) FAILURE TO APPOINT.—The failure of a Capital Region jurisdiction to appoint 1 or more members of the Board, as provided in this subsection, shall not impair the establishment of the Authority if the condition of the establishment described in section 205(b)(1) has been met.

(4) VACANCIES.—Subject to paragraph (5), a person appointed to fill a vacancy on the Board shall serve for the unexpired term.

(5) REAPPOINTMENTS.—A member of the Board shall be eligible for reappointment for 1 additional term.

(6) PERSONAL LIABILITY OF MEMBERS.—A member of the Board, including any nonvoting member, shall not be personally liable for—

(A) any action taken in the capacity of the member as a member of the Board; or

(B) any note, bond, or other financial obligation of the Authority.

(7) QUORUM.—

(A) IN GENERAL.—Subject to subparagraph (B), for the purpose of carrying out the business of the Authority, 7 members of the Board shall constitute a quorum.

(B) APPROVAL OF BOND ISSUES AND BUDGET.—Eight affirmative votes of the members of the Board shall be required to approve bond issues and the annual budget of the Authority.

(8) COMPENSATION.—A member of the Board shall serve without compensation and shall reside within a Capital Region jurisdiction.

(9) EXPENSES.—A member of the Board shall be entitled to reimbursement for the expenses of the member incurred in attending a meeting of the Board or while otherwise engaged in carrying out the duties of the Board.

SEC. 207. OWNERSHIP OF BRIDGE.

(a) CONVEYANCE BY SECRETARY.—

(1) IN GENERAL.—After the Capital Region jurisdictions enter into the agreement described in subsection (c), the Secretary shall convey all right, title, and interest of the Department of Transportation in and to the Bridge to the Authority. Except as provided in paragraph (2), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge, and all duties and responsibilities associated with the Bridge.

(2) INTERIM RESPONSIBILITIES.—Until such time as a new crossing of the Potomac River described in section 208 is constructed and operational, the conveyance under paragraph (1) shall in no way—

(A) relieve the Capital Region jurisdictions of the sole and exclusive responsibility to maintain and operate the Bridge; or

(B) relieve the Secretary of the responsibility to rehabilitate the Bridge or to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other requirements applicable with respect to the Bridge.

(b) CONVEYANCE BY THE SECRETARY OF THE INTERIOR.—At the same time as the conveyance of the Bridge by the Secretary under subsection (a), the Secretary of the Interior shall transfer to the Authority all right, title, and interest of the Department of the Interior in and to such land under or adjacent to the Bridge as is necessary to carry out section 208. Upon conveyance by the Secretary of the Interior, the Authority shall accept the right, title, and interest in and to the land.

(c) AGREEMENT.—The agreement referred to in subsection (a) is an agreement among the Secretary, the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia as to the Federal share of the cost of the activities carried out under section 208.

SEC. 208. CAPITAL IMPROVEMENTS AND CONSTRUCTION.

The Authority shall take such action as is necessary to address the need of the National Capital Region for an enhanced southern Capital Beltway crossing of the Potomac River that serves the traffic corridor of the Bridge (as in existence on the date of enactment of this Act), in accordance with the recommendations in the final environmental impact statement prepared by the Secretary. The Authority shall have the sole responsibility for the ownership, construction, operation, and maintenance of a new crossing of the Potomac River.

SEC. 209. ADDITIONAL POWERS AND RESPONSIBILITIES OF AUTHORITY.

In addition to the powers and responsibilities of the Authority under the other provisions of this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, the Authority shall have all powers necessary and appropriate to carry out the duties of the Authority, including the power—

(1) to adopt and amend any bylaw that is necessary for the regulation of the affairs of the Authority and the conduct of the business of the Authority;

(2) to adopt and amend any regulation that is necessary to carry out the powers of the Authority;

(3) subject to section 207(a)(2), to plan, establish, finance, operate, develop, construct, enlarge, maintain, equip, or protect the Bridge or a new crossing of the Potomac River described in section 208;

(4) to employ, in the discretion of the Authority, a consulting engineer, attorney, accountant, construction or financial expert, superintendent, or manager, or such other employee or agent as is necessary, and to fix the compensation and benefits of the employee or agent, except that—

(A) an employee of the Authority shall not engage in an activity described in section 7116(b)(7) of title 5, United States Code, with respect to the Authority; and

(B) an employment agreement entered into by the Authority shall contain an explicit prohibition against an activity described in subparagraph (A) with respect to the Authority by an employee covered by the agreement;

(5) to—

(A) acquire personal and real property (including land lying under water and riparian rights), or any easement or other interest in real property, by purchase, lease, gift, transfer, or exchange; and

(B) exercise such powers of eminent domain in the Capital Region jurisdictions as are conferred on the Authority by the Capital Region jurisdictions, in the exercise of the powers and the performance of the duties of the Authority;

(6) to apply for and accept any property, material, service, payment, appropriation, grant, gift, loan, advance, or other fund that is transferred or made available to the Authority by the Federal Government or by any other public or private entity or individual;

(7) to borrow money on a short-term basis and issue notes of the Authority for the borrowing payable on such terms and conditions as the Board considers advisable, and to issue bonds in the discretion of the Authority for any purpose consistent with this title, which notes and bonds—

(A) shall not constitute a debt of the United States, a Capital Region jurisdiction, or any political subdivision of the United States or a Capital Region jurisdiction; and

(B) may be secured solely by the general revenues of the Authority, or solely by the income and revenues of the Bridge or a new crossing of the Potomac River described in section 208;

(8) to fix, revise, charge, and collect any reasonable toll or other charge;

(9) to enter into any contract or agreement necessary or appropriate to the performance of the duties of the Authority or the proper operation of the Bridge or a new crossing of the Potomac River described in section 208;

(10) to make any payment necessary to reimburse a local political subdivision having jurisdiction over an area where the Bridge or a new crossing of the Potomac River is situated for any extraordinary law enforcement cost incurred by the subdivision in connection with the Authority facility;

(11) to enter into partnerships or grant concessions between the public and private sectors for the purpose of—

(A) financing, constructing, maintaining, improving, or operating the Bridge or a new crossing of the Potomac River described in section 208; or

(B) fostering development of a new transportation technology;

(12) to obtain any necessary Federal authorization, permit, or approval for the construction, repair, maintenance, or operation of the Bridge or a new crossing of the Potomac River described in section 208;

(13) to adopt an official seal and alter the seal, as the Board considers appropriate;

(14) to appoint 1 or more advisory committees;

(15) to sue and be sued in the name of the Authority; and

(16) to carry out any activity necessary or appropriate to the exercise of the powers or performance of the duties of the Authority under this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, if the activity is coordinated and consistent with the transportation planning process implemented by the metropolitan planning organization for the Washington, District of Columbia, metropolitan area under section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

SEC. 210. FUNDING.

(a) SET-ASIDE.—Section 104 of title 23, United States Code (as amended by section 125(b)(2)(A)), is further amended—

(1) in the first sentence of subsection (b), by striking ''subsection (f) of this section'' and inserting ''subsections (f) and (i)'';

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting before subsection (j) the following:

''(i) WOODROW WILSON MEMORIAL BRIDGE.—Before making an apportionment of funds under subsection (b), the Secretary shall set aside $17,550,000 for fiscal year 1996 and $80,050,000 for fiscal year 1997 for the rehabilitation of the Woodrow Wilson Memorial Bridge and for the planning, preliminary design, engineering, and acquisition of a right-of-way for, and construction of, a new crossing of the Potomac River.''.

(b) APPLICABILITY OF TITLE 23.—Funds made available under this section shall be available for obligation in the manner provided for funds apportioned under chapter 1 of title 23, United States Code, except that—

(1) the Federal share of the cost of any project funded under this section shall be 100 percent; and

(2) the funds made available under this section shall remain available until expended.

(c) STUDY.—Not later than May 31, 1997, the Secretary, in consultation with each of the Capital Region jurisdictions, shall prepare and submit to Congress a report identifying the necessary Federal share of the cost of the activities to be carried out under section 208.

(d) DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1002(e)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 23 U.S.C. 104 note) is amended by inserting before the period at the end the following: ''and the National Capital Region Interstate Transportation Authority Act of 1995''.

(e) REMOVAL OF ISTEA AUTHORIZATION FOR BRIDGE REHABILITATION.—Section 1069 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2009) is amended by striking subsection (i).

SEC. 211. AVAILABILITY OF PRIOR AUTHORIZATIONS.

In addition to the funds made available under section 210, any funds made available for the rehabilitation of the Bridge under sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2009 and 2028) (as in effect prior to the amendment made by section 210(e)) shall continue to be available after the conveyance of the Bridge to the Authority under section 207(a), in accordance with the terms under which the funds were made available under the Act.

TITLE III—FEDERAL HIGHWAY AND RAILROAD GRADE CROSSING SAFETY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Federal Highway and Railroad Grade Crossing Safety Act of 1995''.

SEC. 302. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway technologies to promote safety at railroad-highway grade crossings. The Secretary of Transportation shall ensure that two or more operational tests funded under such Act shall promote highway traffic safety and railroad safety.

SEC. 303. STATE HIGHWAY SAFETY MANAGEMENT SYSTEMS.

(a) AMENDMENT OF REGULATIONS.—The Secretary of Transportation shall conduct a rulemaking proceeding to amend the regulations under section 500.407 of title 23, Code of Federal Regulations, to require that each highway safety management system developed, established, and implemented by a State shall, among countermeasures and priorities established under subsection (b)(2) of that section—

(1) include public railroad-highway grade-crossing closure plans that are aimed at eliminating high-risk or redundant crossings (as defined by the Secretary);

(2) include railroad-highway grade-crossing policies that limit the creation of new at-grade crossings for vehicle or pedestrian traffic, recreational use, or any other purpose; and

(3) include plans for State policies, programs, and resources to further reduce death and injury at high-risk railroad-highway grade crossings.

(b) DEADLINE.—The Secretary of Transportation shall complete the rulemaking proceeding described in subsection (a) and prescribe the required amended regulations, not later than one year after the date of enactment of this Act.

SEC. 304. VIOLATION OF GRADE-CROSSING LAWS AND REGULATIONS.

(a) FEDERAL REGULATIONS.—Section 31311 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(h) GRADE-CROSSING VIOLATIONS.—

''(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

''(2) MINIMUM REQUIREMENTS.—Regulations issued under paragraph (1) shall, at a minimum, require that—

''(A) the penalty for a single violation shall not be less than a 60-day disqualification of the driver's commercial driver's license; and

''(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than $10,000.''.

(b) DEADLINE.—The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than one year after the date of enactment of this Act.

(c) STATE REGULATIONS.—Section 31311(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(18) GRADE-CROSSING REGULATIONS.—The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(h) of this title.''.

SEC. 305. SAFETY ENFORCEMENT.

(a) COOPERATION BETWEEN FEDERAL AND STATE AGENCIES.—The National Highway Traffic Safety Administration, and the Office of Motor Carriers within the Federal Highway Administration, shall on a continuing basis cooperate and work with the National Association of Governors' Highway Safety Representatives, the Commercial Vehicle Safety Alliance, and Operation Lifesaver, Inc., to improve compliance with and enforcement of laws and regulations pertaining to railroad-highway grade crossings.

(b) REPORT.—The Secretary of Transportation shall submit a report to Congress by January 1, 1996, indicating (1) how the Department worked with the above mentioned entities to improve the awareness of the highway and commercial vehicle safety and law enforcement communities of regulations and safety challenges at railroad-highway grade crossings, and (2) how resources are being allocated to better address these challenges and enforce such regulations.

SEC. 306. CROSSING ELIMINATION; STATEWIDE CROSSING FREEZE.

(a) STATEMENT OF POLICY.—

(1) Railroad-highway grade crossings present inherent hazards to the safety of railroad operations and to the safety of persons using those crossings. It is in the public interest—

(A) to eliminate redundant and high risk railroad-highway grade crossings; and

(B) to limit the creation of new crossings to the minimum necessary to provide for the reasonable mobility of the American people and their property, including emergency access.

(2) Elimination of redundant and high-risk railroad-highway grade crossings is necessary to permit optimum use of available funds to improve the safety of remaining crossings, including funds provided under Federal law.

(3) Effective programs to reduce the number of unneeded railroad-highway grade crossings, and to close those crossings that cannot be made reasonably safe (due to reasons of topography, angles of intersection, etc.), require the partnership of Federal, State, and local officials and agencies, and affected railroads.

(4) Promotion of a balanced national transportation system requires that highway planning specifically take into consideration the interface between highways and the national railroad system.

(b) PARTNERSHIP AND OVERSIGHT.—The Secretary shall foster a partnership among Federal, State, and local transportation officials and agencies to reduce the number of railroad-highway grade crossings and to improve safety at remaining crossings. The Secretary shall make provisions for periodic review to ensure that each State (including State subdivisions and local governments) is making substantial, continued progress toward achievement of the purposes of this section.

(c) CROSSING FREEZE.—If, upon review, and after opportunity for a hearing, the Secretary determines that a State or political subdivision thereof has failed to make substantial, continued progress toward achievement of the purposes of this section, then the Secretary shall impose a limit on the maximum number of public railroad-highway grade crossings in that State. The limitation imposed by the Secretary under this subsection shall remain in effect until the State demonstrates compliance with the requirements of this section. In addition, the Secretary may, for a period of not more than 3 years after such a determination, require compliance with specific numeric targets for net reductions in the number of railroad-highway grade crossings (including specification of hazard categories with which such crossings are associated).

(d) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

MOTION OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SHUSTER moves to strike all after the enacting clause of S. 440 and insert in lieu thereof the text of H.R. 2274 as passed by the House.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: ''A bill to amend title 23, United States Code, to designate the National Highway System, and for other purposes.''

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2274) was laid on the table.

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APPOINTMENT OF CONFEREES

Mr. SHUSTER. Mr. Speaker, pursuant to clause 1 of rule XX and at the direction of the Committee on Transportation and Infrastructure, I move to insist on the House amendments to S. 440 and to request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure for consideration of the Senate bill and the House amendments, and modifications committed to conference: Messrs. SHUSTER, CLINGER, PETRI, EMERSON, LAHOOD, MINETA, OBERSTAR, and RAHALL.

There was no objection.

REQUEST TO SPEAK OUT OF ORDER

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to speak out of order.

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

Mr. MCINNIS. Mr. Speaker, reserving the right to object, I am inquiring is this a 1-minute? What is the period of time being granted to the gentleman?

Mr. GIBBONS. Three minutes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has asked for 3 minutes. Is there objection to the request of the gentleman from Florida?

Mr. CHRISTENSEN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

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

Mr. CAMP. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO SPEAK ON POINT OF PERSONAL PRIVILEGE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to speak on a point of personal privilege.

The SPEAKER pro tempore. The Chair cannot entertain a unanimous-consent request to speak on a point of personal privilege.

FREE AND FULL DEBATE MUST BE ALLOWED IN THE HOUSE

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

Mr. GIBBONS. Mr. Speaker, I do not want to turn this body into an authoritarian dictatorship, but recently, in the Ways and Means Committee I attended a meeting regularly called and I attempted to speak on a motion that was being made. I was immediately cut off by a parliamentary maneuver, and not given a chance to speak.

□ 1800

I have been here 33 years, Mr. Speaker. I do not believe I have ever seen that happen, I know in the Committee on Ways and Means, and I have never seen it happen on this floor. I know that my Republican friends are trying to hide their Medicare program from the American public, and we are doing the best we can to let the American public know what is going on. But the kind of parliamentary procedure I see around here now shocks me. This body is going to be seriously injured if we act in an authoritarian way and allow no debate.

CONFERENCE REPORT ON H.R. 1817, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 223 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 223

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1817) making appropriations for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

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

House Resolution 223 is a straightforward resolution. The proposed rule merely waives all points of order against the conference report and against its consideration. This resolution was reported out of the Committee on Rules by voice vote.

Mr. Speaker, the conference report on H.R. 1817, the legislation making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year 1996 is critical legislation. This conference report appropriates $11.2 billion in fiscal year 1996, the same as the House-passed bill, and $2.5 billion more than in fiscal year 1995. Additionally, 40 percent of the funds in the bill are appropriated for family housing. Furthermore, $3.9 billion, 35 percent of the total bill, is appropriated for base realignment and closure. I urge my colleagues to support the rule as well as the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I would like to commend my colleague from Colorado, Mr. MCINNIS, as well as my colleagues on the other side of the aisle for bringing this rule to the floor.

House Resolution 223 makes it in order to consider the conference report on H.R. 1817, the military construction appropriation bill for fiscal 1996 and waives all points of order against the conference report. The Rules Committee reported the rule without opposition by voice vote.

The conference report on H.R. 1817 appropriates $4.3 billion for family housing, $3.9 billion for base realignment and closure projects, and $2.8 billion for other military construction. The funds will allow the Department of Defense to maintain adequate housing for members of the Armed Forces. It will also provide construction funds for upgrading existing structures and building new facilities.

I am pleased that the conference report includes $10 million for construction projects at Wright-Patterson Air Force Base. This includes $4.1 million to upgrade a 40-year-old electrical distribution system that supports laboratories on the base. The funds also include $5.9 million for a much-needed renovation of 66 units of housing at Page Manor, a neighborhood of homes for junior officers and enlisted personnel at Wright-Patterson.

Mr. Speaker, I urge adoption of the rule.

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

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

Mrs. VUCANOVICH. Mr. Speaker, pursuant to House Resolution 223, I call up the conference report on the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 14, 1995, at page H8954.)

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, I understand the rulings of the House provide that when the subcommittee chair and the ranking member are both in favor of the bill, that one-third of the time shall be allotted to allow a Member opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from North Carolina [Mr. HEFNER] in favor of the conference report?

Mr. HEFNER. Mr. Speaker, I am in favor of the conference report, yes.

The SPEAKER pro tempore. The gentleman from North Carolina is in favor. The gentleman from Wisconsin [Mr. OBEY] is correct. There could be a three-way split of the time.

Mr. OBEY. Mr. Speaker, I would ask that I might be allotted one-third of the time being in opposition to the bill.

Mrs. VUCANOVICH. Mr. Speaker, we have no objection.

The SPEAKER pro tempore. The Chair assumes the gentleman from Wisconsin [Mr. OBEY] is opposed to the conference report?

Mr. OBEY. He certainly is.

The SPEAKER pro tempore. Pursuant to clause 2(a) of rule XXVIII, the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes, the gentleman from North Carolina [Mr. HEFNER] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Nevada [Mrs. VUCANOVICH].

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

Mr. Speaker, the conference report we present to the House today for military construction, family housing and base closure recommends a total appropriation of $11.2 billion. This represents a $479 million increase over the President's request and a $2.4 billion increase over fiscal year 1995. Mr. Speaker, this is the exact level of funding which passed the House in June by a vote of 319 to 105.

Mr. Speaker, the House conferees had more than 200 differences to resolve, representing over $1 billion. We have done so in an equitable manner. At the same time, we held to our priorities and provided an additional $223 million for troop housing and $186 million for family housing above the President's request.

Overall, the agreement recommends $4.3 billion for items related to family housing; $3.9 billion for the implementation of base realignments and closures; and $2.8 billion for military construction. In addition, $161 million is provided for the NATO Security Investment Program.

Mr. Speaker, the projects to be implemented with this appropriation are still subject to authorization. While that conference is ongoing we have worked closely with the National Security Committee in crafting this bill. This cooperation has been invaluable and I understand they support this agreement.

As always, I want to express my appreciation to all the members of the subcommittee and especially our ranking minority member, Mr. HEFNER, for his cooperation in crafting this agreement. It has been done in a bipartisan manner and is an equitable compromise.

I would like to thank staff members for their professional and expert help. We couldn't do it without them.

This bill represents an investment program that has significant payback in economic terms and in better living and working conditions for our military personnel and their families. I urge my colleagues to support this conference report.

Mr. Speaker, I included statistical information for the RECORD.

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FY 1996 MILITARY CONSTRUCTION APPROPRIATIONS BILL (H.R. 1817)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Military construction, Army	550,476,000	472,724,000	611,808,000	516,664,000	633,814,000	+83,338,000
Rescission				-6,245,000		
Total, Military construction, Army (net)	550,476,000	472,724,000	611,808,000	510,419,000	633,814,000	+83,338,000
Military construction, Navy	385,110,000	468,086,000	588,943,000	552,586,000	554,636,000	+169,526,000
Military construction, Air Force	516,613,000	495,655,000	578,841,000	569,616,000	587,234,000	+70,421,000
Rescission				-16,005,000	-8,765,000	-8,765,000
Total, Military construction, Air Force (net)	516,613,000	495,655,000	578,841,000	553,611,000	578,469,000	+61,656,000
Military construction, Defense-wide	504,118,000	857,405,000	728,332,000	828,078,000	640,357,000	+136,239,000
Rescission				-26,755,000	-23,521,000	-23,521,000
Total, Military construction, Defense-wide (net)	504,118,000	857,405,000	728,332,000	801,323,000	616,836,000	+112,718,000
Total, Active components	1,956,517,000	2,313,870,000	2,507,024,000	2,417,939,000	2,383,755,000	+427,238,000
Military construction, Army National Guard	188,062,000	18,480,000	72,537,000	156,357,000	137,110,000	-50,952,000
Military construction, Air National Guard	249,056,000	85,647,000	118,267,000	168,972,000	171,272,000	-77,784,000
Rescission				-6,700,000	-6,700,000	-6,700,000
Total, Military construction, Air National Guard (net)	249,056,000	85,647,000	118,267,000	162,272,000	164,572,000	-84,484,000
Military construction, Army Reserve	57,370,000	42,983,000	42,983,000	83,423,000	72,726,000	+15,356,000
Military construction, Naval Reserve	22,748,000	7,920,000	19,655,000	7,920,000	19,055,000	-3,693,000
Military construction, Air Force Reserve	57,088,000	27,002,000	31,502,000	35,447,000	36,482,000	-20,584,000
Total, Reserve components	574,302,000	182,012,000	284,924,000	445,419,000	429,947,000	-144,355,000
Total, Military construction	2,530,819,000	2,495,882,000	2,791,948,000	2,863,358,000	2,813,702,000	+282,883,000
Appropriations	(2,530,819,000)	(2,495,882,000)	(2,791,948,000)	(2,919,063,000)	(2,852,686,000)	(+321,869,000)
Rescissions				(-55,705,000)	(-38,986,000)	(-38,986,000)
NATO Security Investment Program	119,000,000	179,000,000	161,000,000	161,000,000	161,000,000	+42,000,000
Family housing, Army:						
Construction	170,062,000	43,500,000	128,400,000	71,752,000	116,666,000	-53,346,000
Operation and maintenance	1,013,708,000	1,337,596,000	1,337,596,000	1,339,196,000	1,335,586,000	+321,888,000
Total, Family housing, Army	1,183,710,000	1,381,096,000	1,463,996,000	1,410,948,000	1,452,252,000	+268,542,000
Family housing, Navy and Marine Corps:						
Construction	267,465,000	465,755,000	531,289,000	512,947,000	525,058,000	+257,593,000
Operation and maintenance	937,599,000	1,048,329,000	1,048,329,000	1,051,929,000	1,048,329,000	+110,730,000
Total, Family housing, Navy	1,205,064,000	1,514,084,000	1,579,618,000	1,564,876,000	1,573,387,000	+368,323,000
Family housing, Air Force:						
Construction	277,444,000	249,003,000	294,503,000	267,137,000	297,736,000	+20,294,000
Operation and maintenance	824,845,000	849,213,000	863,213,000	850,059,000	849,213,000	+24,368,000
House floor amendment			-6,986,000			
Total, Family housing, Air Force	1,102,289,000	1,098,216,000	1,150,730,000	1,117,196,000	1,146,951,000	+44,662,000
Family housing, Defense-wide:						
Construction	350,000	3,772,000	3,772,000	3,772,000	3,772,000	+3,422,000
Operation and maintenance	29,031,000	30,467,000	30,467,000	42,367,000	30,467,000	+1,436,000
Total, Family housing, Defense-wide	29,381,000	34,239,000	34,239,000	46,139,000	34,239,000	+4,858,000
Department of Defense Family Housing Improvement Fund 1/		22,000,000	22,000,000	22,000,000	22,000,000	+22,000,000
Homeowners Assistance Fund, Defense		75,586,000	75,586,000	75,586,000	75,586,000	+75,586,000
Total, Family housing	3,520,444,000	4,125,221,000	4,328,169,000	4,236,745,000	4,304,415,000	+783,971,000
Construction	(715,261,000)	(792,030,000)	(855,984,000)	(855,606,000)	(943,224,000)	(+227,963,000)
Operation and maintenance	(2,805,183,000)	(3,265,605,000)	(3,279,605,000)	(3,283,551,000)	(3,283,605,000)	(+458,422,000)
Family Housing Improvement Fund		(22,000,000)	(22,000,000)	(22,000,000)	(22,000,000)	(+22,000,000)
Homeowners Assistance Fund		(75,586,000)	(75,586,000)	(75,586,000)	(75,586,000)	(+75,586,000)
Base realignment and closure accounts:						
Part I	87,600,000					-87,600,000
Part II	265,700,000	964,843,000	964,843,000	964,843,000	964,843,000	+699,143,000
(By transfer)	(133,000,000)					(-133,000,000)
Part III	2,322,858,000	2,148,480,000	2,148,480,000	2,148,480,000	2,148,480,000	-174,378,000
Part IV		784,569,000	784,569,000	784,569,000	784,569,000	+784,569,000
Total, Base realignment and closure accounts	2,676,158,000	3,897,892,000	3,897,892,000	3,897,892,000	3,897,892,000	+1,221,734,000

FY 1996 MILITARY CONSTRUCTION APPROPRIATIONS BILL (H.R. 1817) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Procurement: General provisions 2/	-10,421,000					+10,421,000
FY 1995 Emergency Supplemental (P.L. 104-6)	-100,600,000					+100,600,000
Grand total	8,735,400,000	10,897,995,000	11,177,009,000	11,156,995,000	11,177,009,000	+2,441,609,000
Appropriations	(8,735,400,000)	(10,897,995,000)	(11,177,009,000)	(11,214,700,000)	(11,215,995,000)	(+2,480,595,000)
(By transfer)	(133,000,000)					(-133,000,000)
Rescission				(-55,705,000)	(-38,986,000)	(-38,986,000)

1/ Budget amendment submitted 6/2/95 (H.Doc. 104-80).
2/ Budget amendment submitted 3/15/94 (H.Doc. 103-220, page 10).

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

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

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

Mr. HEFNER. Mr. Speaker, I rise in support of fiscal year 1996's military construction conference report and want to compliment the distinguished chairman of the Subcommittee on Military Construction for her fine work in this bill. I would like to congratulate her also on presiding over her first bill on military construction as the chairman of this subcommittee, and she has done a tremendous job.

I would also be remiss if I did not congratulate the very fine staff that has worked so hard in a bipartisan manner to put together this—what we consider a very, very good bill. I would also like to say that over the course of hearings on this bill we invited all the services in, all the people that had any interest whatsoever in military construction, whether it be Members or people in the private sector. We had extensive hearings, and we got a lot of information from people all over the country and from individual Members in this House on concerns that they had, as far as it goes, for quality of life for our military personnel and for our families that are involved in service to this great country of ours.

I think the gentlewoman basically covered all the numbers that we have come up with in this bill. It is somewhat over the President's request, and OMB has said that there could be some concern and there could be the possibility of a veto of this bill, but certainly we hope that would not be the case, because over the years we have worked very, very hard in this subcommittee addressing basically the quality of life for our men and women in our Armed Forces. We have continued to do that and we believe that this bill furthers the goal that will help us move forward to have better quality of life and help us with retention of the people that serve so nobly in our Armed Forces.

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

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, in the next 45 days, this Congress will define—for years to come—our top priorities. We will decide how much we are going to gouge senior citizens on Medicare; we will decide how much we are going to threaten the quality of children's education, their ability to get student loans, their ability to get the assistance they will need in early childhood education programs.

We will decide how much we are going to clobber low income senior citizens, who are desperately struggling to avoid a choice between heating their homes and paying their prescription drug bills and their bills for food. Yet, this Congress is apparently ready to pass a Pentagon spending bill which will add billions of dollars to the amount requested by the President and the Pentagon leadership, and even on this bill, that warped sense of priorities continues.

□ 1815

Mr. Speaker, this conference report is $479 million over the amount requested by the President in his budget. It is almost $2½ billion above the amount spent last year, and that is a 28-percent increase in the amount that was spent last year. Of that amount, a significant portion is for what is known as quality-of-life projects such as barracks, child care centers, family housing. I do not begrudge anyone any of those projects, and I pose no objection to any of them. I have other objections to this bill, because this bill not only exceeds the amount requested by the President, but it adds significant amounts for unrequested projects, above the President's request.

The conference agreement funds 102 unrequested projects, totaling some $801 million. Again, it is no Federal offense for the Congress to decide that it is going to fund some items that the President and the Pentagon have not asked for. That is our prerogative. However, I would point out that if we compare the House add-ons and the add-ons in the Senate, the Senate bill added a total of $774 million, of which only $303 million was for quality-of-life projects.

While the conference agreement added some $430 million for quality-of-life, it also adds in excess of $370 million for non-quality-of-life. It contains funding for some 23 projects, totaling about $150 million, which are not even on the Pentagon's 5-year construction plan. That means that if we were to give the Pentagon all the money that they could spend for 5 years rather than 1 year for these construction projects, the Pentagon would still not choose to fund those 23 projects. It seems to me, at the very least, that the committee ought to reconsider the large amount of funding by which it has exceeded the Pentagon's 5-year project request list.

Because of that, and because the committee declined to further limit those kinds of projects, I feel I have no choice but to oppose the passage of this conference report. I have served on this subcommittee in the past, and I respect each and every member who serves on it. I would suggest that the lion's share of the projects in this bill are fully justifiable, but I do not believe, given the desperate condition of the budget, and given the excruciating competition for scarce dollars, that we can afford to be almost half a billion dollars above the request of the Pentagon and the President for these projects.

I would especially suggest that when we will be asked to vote very shortly on bills which make severe reductions in other programs that are severely needed by working-class people in this country—whether it be in programs for low-income workers who are being gouged by the loss of the earned income tax credit, whose taxes are being raised by recommendations, for instance, of the Committee on Ways and Means—we are going to be asked to swallow packages like that at the same time that we are being asked to buy this huge increase in spending. To me, it indicates a very warped sense of priorities and a degree of excess that the country neither can afford nor wants at this point. Therefore, I would urge opposition to final passage of the conference report.

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

Mrs. VUCANOVICH. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Colorado [Mr. HEFLEY], chairman of the Subcommittee on Military Installations and Facilities of the Committee on National Security.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of H.R. 1817, the military construction appropriations bill for fiscal year 1996.

At the outset, as the chairman of the Subcommittee on Military Installations and Facilities, I want to commend Chairman VUCANOVICH and the ranking Democratic member of the subcommittee, Mr. HEFNER, for their commitment to working closely with the authorization committee in putting together a military construction program for the coming year that addresses some of the most serious deficiencies faced by the military services.

There is no question that critical portions of the military construction program are underfunded. For example, the Army has provided testimony to both committees that indicates they would need $250 million per year over the next 23 years to buydown the problem of inadequate and substandard barracks. Yet, the administration requested just under $201 million for troop housing for the Army in fiscal year 1996. This legislation provides an additional $101 million above the administration's request in troop housing for the Army.

The example I just gave reflects the guiding principle of our joint approach to military construction. H.R. 1817 puts a premium on quality-of-life improvements for service personnel and their families. Those improvements will enhance readiness and retention.

Some question the level of additional funding the Congress has dedicated to this purpose. There is no doubt in my mind that a careful examination of the extensive hearing record developed by both the appropriations and authorization committees leads to one inescapable conclusion—the military construction program is underfunded, and serious problems have been left wanting.

This is a problem with deep roots. Administrations of both parties have permitted the Nation's military infrastructure to deteriorate. We are at a crossroads and this bill is a milestone to begin to turn the problem around.

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Despite the criticism of some in this House and the press, the facts are that the dollars added for unrequested projects to the military construction appropriations bill are fewer this year than in the recent past. At the same time, more money has been put toward troop housing, family housing, child development centers, and medical facilities—all of which are needed by military personnel and their families. the quality-of-life package agreed to by the conferees represents 60 percent of the projects added to the bill. What we should not lose sight of is that we have consulted with the services on these projects and they reflect their priorities and their needs—not ours.

The conferees have done more with less. They have made hard choices. This legislation is essential to the operational needs of the services. It will provide the funding necessary to conclude the base closure and realignment process. More importantly, thousands of military personnel and their families will have their quality of life enhanced by this bill. H.R. 1817 is a good bill and it deserves the support of the House—and the signature of the President.

Mrs. VUCANOVICH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, my colleague, the gentleman from Wisconsin [Mr. OBEY], talked about poor children, education, and he used the rough language to scare the American people. I would like to remind the gentleman that the President cut defense $177 billion, and cost over 1 million jobs in California. Ninety-five percent of education is funded out of State tax revenue.

We also, on a partisan line when they were in the majority, extended Somalia. We said, ''It is going to cost billions of dollars.'' We had to run out of there with our tails between our legs. Look at Haiti, another embarkation. What would happen in Haiti? It is costing us billions of dollars. These kinds of funds which we need to support the defense of this country the gentleman disregards.

Yes, there are a lot of critical issues. They cut defense $177 billion. They called for additional base closures. Where do Members expect to put the carriers and the military construction when we close places like Alameda and put millions of people out of work? Think about it, I would say to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I had not intended to get into a rehash of this, but if the gentleman from California wants, I would be glad to oblige for as long as he desire it. Let me give some examples of the absolutely stupid and unnecessary spending which is being defended in the name of ''defense.''

We start with the B–2. Despite the fact that the major study being done to determine what the proper level of purchases for that airplane would be, despite the fact that that commission came back and told us that we ought to buy 20, which is exactly what the Pentagon suggested we buy, the great wizards of this House have decided that we ought to buy 40. The additional cost of each B–2 is $1.2 billion, and Congress in its infinite wisdom, if it follows the judgment of this House, will buy twice as many as the Pentagon wants at a cost of $1.2 billion per plane.

For the cost of just one of those airplanes we could pay the tuition for every single student, every single undergraduate at the University of Wisconsin for the next 11 years. I call that widely outlandish and unnecessary and stupid spending.

Next we have the F–22. It is supposed to replace the F–15. When we started buying the F–15, we were told it would last us until the year 2015. Now we are told we have to replace that baby years early, at a cost of $70 billion. I make absolutely no apology for thinking that that is waste and that it ought to be eliminated.

I would also point out to the gentleman that after the seventh year of the budget, the defense budget adopted by this Congress is in fact lower than the defense budget submitted by President Clinton. There will not be room in that defense budget to fund every weapons system that this House has decided to buy. We are going to have to eliminate a number of them.

I make absolutely no apology for calling attention to the waste and stupidity associated with funding those weapons systems. I would be happy, if the gentleman wants to rehash the entire defense budget, to go on all night. But I would simply say at this point, I would repeat the original point I tried to make on this bill. It has a number of projects which the Pentagon itself would not even put on its construction list if we gave them 5 years' money, let alone the 1 year's money contained in this bill. I think that indicates there is some spending here that ought to be eliminated. I stand by my original position.

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

Mrs. VUCANOVICH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I come here to the floor to thank both the chairman and the ranking member for working out at times what can be differences, but measured on the whole, I think is a very good military construction appropriation budget. I came here because I was hopeful I would listen to the gentleman from Wisconsin [Mr. OBEY] and whether or not he would address some concerns and allegations that he had made in a Dear Colleague, and some press statements, and which he did not come to the floor to retract, so I came here to open up a colloquy with the gentleman from Wisconsin [Mr. OBEY] about having some questions.

Mr. Speaker, I understand the politics and things, and what he has done is he has cited some examples of the pork. He cited a fire station at Grissom Air Force Base. He said, ''There are numerous reasons that this $4.25 million project is not included in the Pentagon planning list. First, except for a small ammunition storage area used by the Reserves, this base is being closed,'' and he underlined that. ''Second, the base already has one fire station, which in the judgment of the DOD construction authorities is more than adequate to support the future operations at the base.''

□ 1830

Actually, I ask if the gentleman from Wisconsin [Mr. OBEY] has received a letter from me today to respond to the factual inaccuracies.

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

Mr. BUYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I concede no inaccuracies.

Mr. BUYER. Reclaiming my time, then, the facts contained in the press release of the gentleman from Wisconsin [Mr. OBEY] are factually wrong and inaccurate, and I am hopeful not with any malicious intent. Grissom has not been closed. For him to say that that is accurate is completely false and someone is misguiding him. It has been realigned to a reserve base. It was done in October 1994. The Air Force has requested funds to build the fire training facility at Grissom in fiscal year 1996 and had the fire station placed on the schedule for construction in 1998. The House merely moves the request for the station up 2 years for the facility to be constructed within the reserve cantonment area.

Grissom is home to the 434th Air Refueling Wing. There is currently a proposal to move the Indiana National Guard helicopters to Grissom Air Force Base as well.

I invite the gentleman from Wisconsin [Mr. OBEY] to look at these facilities. He would know why we need this fire station for readiness. He is being misguided.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Indiana [Mr. BUYER] in a letter to me dated today suggested that the Air Force base is not being closed as he said I erroneously asserted.

What I asserted, and I stand by it, in my letter, I said that the base is being closed except for an ammunition storage function, which is in fact the case for active duty forces.

I would point out with respect to the assertion that this proposal was scheduled to be on the 5-year Pentagon planning list, in fact, the Office of Management and Budget has assured me that this project is not included in the 5-year plan. Just because the base commander wants it included on the 5-year plan does not mean it has been put there yet.

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Third, I would simply note that in 1991, as I understand this project, there were some 3,200 civilian employees. Now there are about 700. Yet we are told that we need yet another fire station when they got by with one, the old one, before this base was significantly downsized.

I stand by my view that this project under those circumstances ought not be funded.

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

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I include for the RECORD a letter from General McIntosh, Chief of the Air Force, that talked about the military construction project, as follows:

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS U.S. AIR FORCE,
Washington DC, September 20, 1995.

Hon. BARBARA VUCANOVICH,
Chairwoman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: Congress has inserted a military construction project into the Air Force Reserve's fiscal year 1996 military construction program. This project, Construct New Fire Station at Grissom Air Reserve Base, Indiana, at an estimated cost of $4.25 million, is a valid Air Force Reserve requirement and is not affected by the base closure process.

MAJ. GEN. ROBERT A. MCINTOSH,
Chief of Air Force Reserve.

Mr. BUYER. Mr. Speaker, to say that this was just requested by a base commander is totally inaccurate.

Mr. OBEY. Mr. Speaker, taking back the balance of my time, just because a general wants it put on the 5-year list does not mean it is there yet. It is not. The OMB determines what is on that list as the gentleman knows. It is not on the list yet. It might be in the future if somebody's plans come true, but it is not on the list yet, and that is all we can go by.

Mr. BUYER. Mr. Speaker, if the gentleman will yield further, I think it is the U.S. Congress who is charged with the responsibility to build the forces to protect the Nation's national security. And that is extremely important.

Mr. OBEY. Taking back my time, that does not deny the fact that it is not on the Pentagon list. The gentleman is erroneous when he asserts it is.

Mr. BUYER. I say to the gentleman from Wisconsin [Mr. OBEY] that it is absolutely false and inaccurate, and completely disappointing.

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

Mr. Speaker, I urge an ''aye'' vote on the bill. It is not a perfect bill, but I think it is a very good bill and it accomplishes a lot of things that need to be done for our men and women in service and for retention.

Certainly there are some things in this bill that the gentlewoman from Nevada [Mrs. VUCANOVICH] and I would not like to have been in this bill, but we do have to go to conference and we do have to unfortunately have a conference with the other body. We do not get a perfect bill on every occasion. But we think that we have a good product. I would urge an ''aye'' vote on the final passage of the bill.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 additional minutes.

I would simply make one additional point with respect to the project that was just discussed between the gentleman from Indiana and myself.

As I understand it, there are some 2,600 projects on the Pentagon's 5-year list. What the gentleman wants this House to do as I understand it is to move his project ahead of those 2,600 projects. I do not think that is justified.

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

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. BUYER. How many C–130's are headed to Wisconsin?

Mr. OBEY. I do not support purchase of additional C–130's.

Mr. BUYER. I do not recall the gentleman moving to have them stricken from the budget.

Mr. OBEY. I did not realize I was required to offer an amendment opposing every item that I was opposed to.

Did the gentleman vote for my amendments to eliminate the F–22 and the B–2?

Mr. BUYER. No, I did not. I supported the B–2 bomber. If we have a disagreement with it, that is fine.

Mr. OBEY. We certainly do have a big disagreement. The gentleman wants to spend a lot of money that I do not want to spend.

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

Mrs. VUCANOVICH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to again thank the gentleman from North Carolina [Mr. HEFNER] for working so closely with us to make a good bill. The compromise of course does not ever satisfy all of us, but we think we have come up with a good conference report.

With that, I urge support of our conference report.

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

The SPEAKER pro tempore (Mr. TORKILDSEN). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 98, not voting 10, as follows:

[Roll No. 680]

YEAS—326

Abercrombie
Ackerman
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roybal-Allard
Salmon
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Serrano
Shaw
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spratt
Stearns
Stenholm
Stockman
Stokes
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Towns

Traficant
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—98

Allard
Andrews
Ballenger
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Brown (CA)
Brown (OH)
Bryant (TX)
Camp
Cardin
Castle
Chabot
Coburn
Collins (IL)
Collins (MI)
Conyers
Cooley
Coyne
DeFazio
Dellums
Dingell
Doggett
Duncan
Ehlers
Engel
Evans
Filner
Fox
Frank (MA)
Franks (NJ)
Furse
Gutierrez
Gutknecht
Harman
Hinchey
Hoekstra
Horn
Johnston
Kennedy (MA)
Kleczka
Klug
Lincoln
Lofgren
Luther
Maloney
Markey
Martini
McDermott
Meehan
Mfume
Mineta
Minge
Nadler
Neumann
Nussle
Oberstar
Obey
Olver
Orton
Pastor
Payne (NJ)
Petri
Quinn
Rahall
Ramstad
Rangel
Rivers
Roemer
Roth
Roukema
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schumer
Sensenbrenner
Shadegg
Shays
Slaughter
Souder
Stark
Studds
Torres
Torricelli
Upton
Velazquez
Vento
Waters
Watt (NC)
Woolsey
Wyden
Yates
Zimmer

NOT VOTING—10

Hilliard
Moakley
Owens
Reynolds
Sisisky
Spence
Stump
Tucker
Volkmer
Williams

☐ 1856

Messrs. BRYANT of Texas, CAMP, CASTLE, SCHUMER, McDERMOTT, NEUMANN, GUTKNECHT, and Ms. RIVERS changed their vote from ''yea'' to ''nay.''

Messrs. FLAKE, JACOBS, and FOGLIETTA changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include extraneous and tabular material on the conference report on the bill, H.R. 1817.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was not objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1976) ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes'', requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. HATFIELD, Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, and Mr. BYRD, be the conferees on the part of the Senate.

The message also announced that Mr. STEVENS, Mr. NICKLES, Mr. THOMPSON, Mr. GRASSLEY, Mr. GLENN, Mr. LEVIN, and Mr. REID, be appointed as conferees on the part of the Senate on the bill (S. 219) ''An Act to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes'', in lieu of Mr. NICKLES, Mr. STEVENS, Mr. THOMPSON, Mr. GRASSLEY, Mr. GLENN, Mr. LEVIN, and Mr. REID.

The message also announced that Mr. STEVENS, Mr. ROTH, Mr. THOMPSON, Mr. COCHRAN, Mr. MCCAIN, Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. SARBANES, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. COATS, Mr. EXON, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. DODD, be appointed as conferees on the part of the Senate on the bill (S. 4) ''An Act to grant the power to the President to reduce budget authority'' in lieu of Mr. ROTH, Mr. STEVENS, Mr. THOMPSON, Mr. COCHRAN, Mr. MCCAIN, Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. SARBANES, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. COATS, Mr. EXON, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. DODD.

The message also announced that pursuant to Public Law 99–498, the Chair, on behalf of the President pro tempore, appoints Dr. Robert N. Kelly, of Kansas, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1995.

APPOINTMENT OF CONFEREES ON H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DURBIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1976, be instructed to agree to the amendment of the Senate numbered 88.

The SPEAKER pro tempore. Under the rule, the gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The gentleman from Illinois [Mr. DURBIN] is recognized for 30 minutes.

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

Mr. Speaker, the motion instructs the House conferees to recede to the Senate number for section 502 rural low-income housing direct loans. The House-passed amount is $550 million, while the Senate provided $1 billion. The House-reported amount, however, was $900 million.

Receding to the Senate for this important, necessary and popular program will merely take the activity back to the approximate level originally recommended by the gentleman from New Mexico [Mr. SKEEN], my friend, the chairman of the subcommittee, and agreed to by the Committee on Appropriations. Even at the Senate level, the section 502 program will be $200 million below the $1.2 billion provided for fiscal year 1995 and the amount requested for 1996.

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

☐ 1900

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

Mr. Speaker, my good friend and former chairman of the subcommittee, the gentleman from Illinois, is offering a motion to instruct the conferees to recede to the Senate mark for section 502 direct loans for rural housing.

The Senate amendment provides for a loan level of $1 billion, almost double the amount in the House bill. The Senate mark is actually a little more than the program level for the current fiscal year.

The gentleman knows as well as anyone the difficulty we had in providing funds for the rural housing and development programs given the severe budget constraints we have been under. However, he also knows that I and many other Members regard the 502 program and other rural programs as extremely important and I assure him that I will work hard in the conference with him to do the absolute best we can for rural America.

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

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs: SKEEN, MYERS, of Indiana, WALSH, DICKEY, KINGSTON, RIGGS, NETHERCUTT, LIVINGSTON, DURBIN, Ms. KAPTUR, Mr. THORTON, Mrs. LOWEY, and Mr. OBEY.

There was no objection.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and that I may include tabular and extraneous material on the conference report on H.R. 1976.

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

There was no objection.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 225 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 225

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed two and one half hours equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on International Relations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 2347. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. Before consideration of any other amendment it shall be in order to consider a further amendment in the nature of a substitute by Representative Hamilton of Indiana or his designee. Such a further amendment in the nature of a substitute shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If such a further amendment in the nature of a substitute is rejected or not offered, then no further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. DIAZ-BALART asked and was given permission to include extraneous material.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 225 is a structured rule providing for the consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995.

House Resolution 225 provides a very generous 2½ hours of general debate, increased from the standard 1 hour to accommodate various views on both sides of the aisle, equally divided between the chairman and the ranking minority member of the Committee on International Relations. The rule makes in order as an original bill for the purpose of amendment in the nature of a substitute the text of H.R. 2347. House Resolution 225 provides that prior to consideration of any other amendment, it shall be in order to consider a further amendment in the nature of a substitute, if offered by the gentleman from Indiana [Mr. HAMILTON] or his designee, which would be debatable for 1 hour equally divided between a proponent and an opponent. It also provides that the amendment shall be considered as read and that the amendment shall not be subject to amendment.

House Resolution 225 makes in order the amendments printed in part one of the Committee on Rules report and debatable for 20 minutes for each amendment equally divided between a proponent and an opponent and provides that the amendment shall be considered as read.

In addition, Mr. Speaker, the rule permits the Chairman of the Committee of the Whole to postpone and/or to cluster votes on amendments and, finally, provides for one motion to recommit with or without instructions.

Now, Mr. Speaker, in order to accommodate the differences of opinion on both sides of the aisle, we agreed, as I stated earlier, to increase the general debate time from 1 hour to 2½ hours. I believe that the debate will be important, and I look forward to its commencement.

At this time I would like to commend the gentleman from New York [Mr. SOLOMON], the gentleman from New York [Mr. GILMAN], the gentleman from Indiana [Mr. BURTON], the gentleman from New Jersey [Mr. TORRICELLI], the gentleman from New Jersey [Mr. MENENDEZ], my dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Florida [Mr. DEUTSCH], and the many others who are too countless to name for their exemplary efforts in bringing this bill forward.

I would also like to publicly thank the leaders of our House, the gentleman from Georgia, Speaker GINGRICH, the gentleman from Texas, Mr. ARMEY, and the gentleman from Texas, Mr. DELAY, for finding time in the House's schedule this week and for all the assistance they have provided in ensuring its consideration in a timely manner.

Mr. Speaker, this legislation constitutes a powerful and very effective mechanism for accelerating the liberation of the Cuban people from the oppression that the dictatorship there has been carrying out against the Cuban people for over three decades.

Mr. Speaker, the Cuban people are facing an avalanche of collaborationism by governments and investors in the international community who are seriously considering, and in a few instances, accepting, the Cuban dictator's invitation to come in and partake of his oppression of Cuban workers, his guaranteed denial of all labor rights, and his fire sale of the island at dirt cheap prices to foreign capitalists who agree to collaborate with him by purchasing commercial property, property that in many instances was stolen from U.S. citizens.

This bill will stop the flow, Mr. Speaker. This bill will stop the flow of foreign capital to Castro. His last lifeline after the collapse of the Soviet Union is creating a cause of action in United States courts for United States

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citizens against foreigners who traffic in property that Castro stole from those United States citizens. In other words, and I would like to quote the Speaker of the House on this: ''If anyone else in the world buys expropriated American property from Castro and they have property here in the United States, we can then sue them in American courts to make them pay the money they just gave Castro for the property that was expropriated by Castro from American citizens.''

In effect, this will end Castro's possibility of obtaining the cash that he needs to keep his repressive machinery going, Mr. Speaker.

With this legislation, the American people's Representatives will be saying very clearly to those who are dealing in property stolen from Americans by the Cuban dictator: Do not do it, it is morally wrong, and if you nonetheless traffic in property stolen from American citizens, you will have to suffer consequences in the United States for your actions.

We will hear during the process of this debate many arguments, I am sure, that we have already heard at length during actually 3 days of debate, seemingly never-ending, on just a handful of amendments in the Committee on International Relations and again in the Committee on Rules yesterday. We will hear of course that this rule is unfair from our colleagues on the other side of the aisle, though we are providing, Mr. Speaker, about six times more time for debate with this rule than the last time that a bill regarding Cuba was brought to the floor of the House 3 years ago under a majority from the Democratic side of the aisle.

We are also providing about 500 percent more of an opportunity to amend the legislation than when the Democrats were in the majority. As we will recall, Mr. Speaker, they brought the Cuban Democracy Act to the House floor under a suspension calendar. So we are providing for what is, when you count up the amount of time that we are providing for debate on this important issue, about 6 hours of debate.

Mr. Speaker, in the context of the debate, we will probably hear things said like, for example, that constructive engagement is the way to treat the Cuban dictatorship. Interestingly enough, many people who were the leaders against constructive engagement with regard to the dictatorships in South Africa or the dictatorship in Haiti or the dictatorship in Chile, many of the people who were against so-called constructive engagement with regard to those dictatorships will probably be advocating for constructive engagement with regard to the dictatorship in Cuba.

They will probably say that it was constructive engagement that freed the peoples of Eastern Europe, when the fact Eastern Europe was freed when the Soviet empire could not compete with the United States as it attempted to maintain military parity with us, and superpower status, and we denied them the political legitimacy that they sought with MFN in contrast to the prior policy of so-called detente.

And then we will hear, I am sure, Mr. Speaker, that the United States is acting alone, that we are standing by the Cuban people, but the rest of the world, whether it is the Europeans or our NAFTA partners, are busy trying to collaborate and trade with the Cuban dictatorship. We will hear that we are standing alone. We will hear, for example, of the Canadian company, I am sure, Sherritt Mining, the largest publicly held Canadian mining company that has worked out a deal with the Cuban dictator by which they mine nickel, that mineral, in eastern Cuba. They take it to Canada for processing, and then the chemical waste, the chemical waste from that process, Castro agrees that Sherritt Mining consented, back to Cuba to be dumped on Cuban soil and Cuban waters. We will probably hear of that as an example of constructive engagement and one way to help bring freedom and democracy to the Cuban people.

□ 1915

We will rebut each and every allegation with regard to arguments that I am sure will be made that the time has come to treat Castro nicely, that the time has come to treat Castro like we are treating the communist Chinese or the Vietnamese.

The last argument that came to my attention, Mr. Speaker, was that this bill was going to cost a lot of money, because there would be many, many lawsuits brought by Americans in U.S. courts to defend their properties stolen by Castro.

I want to make clear from the very outset that all residential property in Cuba is excluded from even possible consideration for the Federal courts under this legislation, and I want to make very clear that the CBO, and I have the letter here, Mr. Speaker, the Congressional Budget Office, points out that the fiscal impact of this legislation is virtually zero. That is very important to point out, because we have heard in the Committee on International Relations and the Committee on Rules many distortions with regard to that.

One other distortion is, I am sure, the bill is different than the bill reported in the Committee on International Relations. There were very minor changes requested by the chairman of the Committee on Ways and Means, and the significant change was the deletion of the fiscal impact, which is important to bring out from the very beginning.

I think of all the arguments, though, that I have heard against a firm policy by the United States on behalf of the Cuban people and against the dictatorship, we will hear it I am sure over and over again, everybody seems to say that they want Castro to go, that they want democracy for Cuba, but that they are against anything to achieve it. In fact, some of our colleagues on the other side will be arguing that the way to achieve a democratization in Cuba is by giving Castro cash, giving Castro access to credits.

One thing that I think is particularly insidious, and I would say ethically objectionable, is when the same leaders who spearheaded sanctions against dictatorships in South Africa, and even in this hemisphere, in Haiti, call for help for Castro, trade for Castro, credits for Castro, that double standard is particularly, as I say, Mr. Speaker, insidious, hypocritical, and objectionable.

So we will debate this openly. The bill is fair. It provides, as I say, for approximately 6 hours of debate, and the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, in a communication in writing, as well as verbally to the Members of this House, stated a very firm deadline for amendments to be presented before the Committee on Rules for consideration, and the amendments that came in at that time that were timely were permitted for consideration.

I must say that I was one who had an amendment, it did not come in pursuant to the guidelines set by the chairman of the Committee on Rules and that amendment was not made in order and I accept responsibility and I commend the gentleman from New York [Mr. SOLOMON] for setting such a fair way of managing our committee. So I want to commend the gentleman for that.

Mr. Speaker, we look forward to debate on this rule. I believe that the rule for this legislation is fair, and I urge its adoption.

I include the following information from the Committee on Rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 20, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	47	74
Modified Closed [3]	49	47	15	23
Closed [4]	9	9	2	3

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of September 20, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Totals:	104	100	64	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 20, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I thank the gentleman from Florida, [Mr. DIAZ-BALART], for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we oppose this rule in the strongest possible terms. It is an unfair and an unreasonable rule for the consideration of a major piece of legislation that would, if enacted, have serious effects on our foreign and domestic policy interests.

Procedurally, Mr. Speaker, this rule and the bill it makes in order have been handled in a most unfair and unusual manner. First, the rule itself: Last Thursday, September 14, the gentleman from California, [Mr. DREIER] made an announcement on the floor for the Committee on Rules describing the proposed treatment of amendments for H.R. 927. That was Thursday afternoon, when I remind my colleagues, Members were getting ready to leave or had already left Washington to return to their homes and to their districts.

At that time Mr. DREIER informed Members, and I quote him, ''A preprinting option will likely be included,'' in the rule for the Cuban liberty bill. He went on to inform us, ''It is not necessary for Members to file their amendments with the Committee on Rules or to testify.''

That was the information that Members had and accepted in good faith when they left Washington on Thursday to return before votes on Tuesday, at which time, according to Mr. DREIER, who was speaking for the leadership, Members should not expect votes before 11 a.m.

Mr. Speaker, we were not privy to the discussions that led to the reversal of this policy that had been stated on the House floor, but an extreme reversal it was nonetheless.

On Monday, September 18, when most Members had not returned to Washington from their work in the districts they represent, since we were to have no votes that day here in Washington, the distinguished gentleman from New York [Mr. SOLOMON], our good friend, the chairman of the Committee on Rules, and a motion fair and decent gentleman he is, sent out a ''Dear Colleague'' letter announcing the postponement of the Committee on Rules hearing scheduled for Monday on H.R. 927 and rescheduling it for 2 p.m. on Tuesday, September 19. We were told the letter was not delivered in the morning mail, so Members could not have received it before 2 p.m. on Monday, and it was undoubtedly delivered to many offices much later.

His letter also contained a stunning reversal, Mr. SOLOMON, of the original leadership announcement of September 14. According to this new policy, the House would consider H.R. 927 under a structured rule, making in order only amendments prefiled by the Committee on Rules. Moreover, Members who wished to offer those amendments were required to file those amendments by 1 p.m. on Tuesday, September 19, less than 24 hours after the receipt of the letter.

Mr. Speaker, while we object in principle to the prefiling requirement, our objection would have been relatively constrained. It is usable, and properly so, I think, under some circumstances. What we strongly protest, however, is the fact that Members had been given such short notice of this extremely restrictive requirement.

Not only that, Mr. Speaker, but perhaps even more unfairly, if I may say so, the majority of our friends on the Committee on Rules, who should have known full well that many Members would be unable to quite meet this deadline, refused to give any leeway or grace at all to Members who filed their amendments even a few minutes beyond the 1 p.m. deadline. We were, to put it bluntly, astounded that a majority on the committee refused to extend this courtesy, which has been a customary practice in the past on the Committee on Rules, even though members were already operating under severe and unreasonable time constraints.

Several Members who drafted and then prefiled their amendments with the Committee on Rules have in fact been shut out of the amendment process on this very significant and controversial piece of legislation. And if those Members who learned somehow of the change in the rule and were attempting to comply with it are being denied the right to offer their amendments, we can only assume that others who would have wished to take part in this important debate were also denied that right because of the unexpected and untimely prefiling announcement which arrived when they were out of town.

In any event, Mr. Speaker, this is the situation: Because of this unreasonable restriction, the gentleman from Colorado [Mr. SKAGGS], whose two amendments on the importance of ultra high frequency capable television and the Television Marti service were received in the Committee on Rules only 15 minutes after the 1 p.m. deadline; the gentleman from Florida [Mr. DIAZ-BALART], our good friend over there, whose amendment on U.S. telecommunications payments to Cuban governments, was received 20 minutes after 1 o'clock; and the gentleman from Washington [Mr. MCDERMOTT], whose amendment making an exception to the trade embargo for medical supplies and staple foods and other emergency supplies was filed 40 minutes late, these gentleman will be unable to have their amendments debated separately during this historic debate.

Mr. Speaker, with respect to how the bill itself was considered, the ranking member of the Committee on International Relations, the gentleman from Indiana, [Mr. HAMILTON], testified very convincingly of his concerns with not only the substance of the bill but also in the manner in which the bill moved from his committee to the Committee on Rules. We think we should all be concerned about those procedures, which are being used more and more frequently and are in effect subverting the committee process.

First of all, we are rushing to judgment on an important bill that is not time sensitive in any way that we can know about. The original intention was to bring this bill to the floor in October. It has now appeared suddenly on the House Calendar this week, giving Members little warning that the legislation had been put on the fast track.

But more important, more important by far, the committees which have jurisdiction over the bulk of this bill, the committees with the real expertise on the questions of import policy, visa exclusions, and, most importantly, Federal Court jurisdiction, which is touched upon to some great degree in this bill, abdicated their responsibility to even consider this bill. That means that the Committee on Ways and Means and the Committee on the Judiciary, who have jurisdiction, have not considered, have never considered, have never considered, some very complicated and controversial legislative provisions that will be found in this bill. The House clearly generally would have benefited greatly from the work of those committees on a bill of this importance and of this magnitude.

So, Mr. Speaker, we have a modified closed rule, and we have major committees waiving consideration of the substantive bill. That means we have lost contribution of too many Members who have the expertise to monitor a bill of this nature, and we are, with the prefiling requirement, preventing them from contributing their knowledge and expertise to improving the bill on the floor.

The report of the Congressional Budget Office on this bill is highly unusual as well. CBO wrote that the bill as reported, ''could have a significant budgetary impact through its authorization of discretionary appropriations.''

Appropriations, it said, could exceed $1 billion. But amazingly, CBO goes on to say, ''We understand from committee staff that a committee amendment would be offered on the House floor that would strip the bill of an open-ended authorization of appropriations, and that would make certain other provisions subject to further authorization and appropriations action. Such an amendment would reduce the bill's budgetary impact to relatively small amounts.''

In other words, Mr. Speaker, CBO ignored the committee reported bill. That is a practice we hope will not become customary. Members deserve to know the accurate estimates for action that was actually taken by committee, and not for amendments that might or in fact will be offered on the floor.

Mr. Speaker, we might not be so strongly opposed to this modified closed rule with its restrictive prefiling requirements on amendments if the legislation itself did not mark such a radical shift in U.S. policy, especially foreign policy. Some of us, probably not the majority certainly, believe that we should be loosening the American economic embargo on Cuba, not tightening its restrictions even further. But that will be debated in the times to come.

But as the New York Times editorialized in opposing this legislation, and I quote from them, too, briefly if I may, ''Cuba has kept its commitments to the United States on immigration. With the end of the Cold War, it posts no security threat to the United Stares, yet the restrictions on Havana are tighter than those imposed on Iraq.''

The President, to his credit I think, has sensibly threatened to veto this bill. It is a bill that should alarm our allies, and apparently has, and the business interests of this country. The way we consider a bill of this magnitude, whatever our differences of opinion may be with respect to it, a bill which would have such far-reaching and serious consequences, should be open and fair and reasonable. Instead, we are being asked to take up a measure under a closed rule and to rush it

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through in just a day and a half. We do not support this procedure.

Mr. Speaker, we urge that the rule for H.R. 927 be defeated.

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

Mr. DIAZ-BALART. Mr. Speaker, at this time it is my privilege to yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, a great ally of freedom throughout the world and specifically of the Cuban people in their quest for democracy.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida for yielding me the time. I want to congratulate him for his tireless effort in bringing this very, very important piece of legislation to the floor. Let me also commend the Committee on International Relations for the bipartisan spirit in which they have carried this bill to where it is today, along with the gentlewoman from Florida [Ms. ROS-LEHTINEN], a member of the Committee on International Relations, who has played such an important role, and the gentleman from Indiana [Mr. BURTON], the chairman of the Subcommittee on the Western Hemisphere.

Mr. Speaker, let me just say that while this is a structured rule, it does provide for a very thorough debate of the major issues associated with this bill, the Cuban Liberty and Democratic Solitary Act of 1995. As the gentleman from Florida [Mr. DIAZ-BALART] has said, the House will be provided a full 2½ hours of general debate on this legislation in which to discuss the provisions of this bill, and it is a narrowly focused bill, so that is, believe me, more than ample time. This will allow Members from both sides of the aisle to engage in what I would consider to be a meaningful discourse on this issue. We have allowed exactly the time that was requested from those that would be in opposition to the bill.

Furthermore, the ranking minority member of the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], an opponent of the bill, is granted the opportunity to offer an entire substitute bill in which he could address all of his issues of disagreement and those issues that were brought up by the distinguished gentleman from California [Mr. BEILENSON]. That amendment will then be subject to another full hour of debate, which is more than ample and agreed to by both sides of the aisle.

In addition to these 3½ hours of debate, the rule also makes in order three other amendments, each debatable for 20 minutes, to focus the House's attention on three specific elements of the bill, and 20 minutes each was agreed to by both sides of the aisle. No one wanted more time than the 20 minutes. Therefore, this rule is fair, it is very reasonable.

Mr. Speaker, in reference to the bill itself, I would like to voice my strong support for two areas of the bill in particular. First, the bill would prohibit support for Cuba from international organizations or countries that receive funding from the United States. That means U.S. taxpayers' dollars. This prohibition is crucial to prevent the reoccurrence of foreign countries, and even foreign international organizations that we give U.S. taxpayer dollars to, exporting totalitarian rule and communism to this hemisphere.

Second, the bill would require the President to reduce United States assistance to the states of the former Soviet Union by an equal amount to any assistance or even credits provided by that state to the Castro regime in Cuba.

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Mr. SOLOMON. You know, we watch what is happening in Bosnia and we give the United States aid, again United States taxpayers' dollars to the former Soviet Union, the country of Russia in particular. They in turn take those dollars we are giving them. They manufacture weapons, they give it to the Serbs, to the country of Serbia who then in turn gives it over, in spite of the sanctions and embargoes, they give it to the Bosnian Serbs to carry on the genocide that has been happening in that country there. That is just plain outrageous.

The provision in this bill would prevent that. This even tighter restriction on the former Soviet Union will send the message that the days of Soviet meddling in the affairs of fledgling Central and South American nations is over. It is over and done with. We will not and we cannot stand by and continue to send billions of dollars of taxpayers' money to the newly independent states of the former Soviet Union, only to have these taxpayers' dollars rerouted to this despicable Communist regime of Castro for use against the very democratic pillars of our own Nation and against his own people which he persecutes in his country.

Mr. Speaker, I would just urge my colleagues to support this fair rule and to support this very important piece of legislation so that our Nation can take a firm stand against the last bastion of communism in this hemisphere, and that is Cuba.

I really do thank the gentleman and commend him for all his tireless work on this effort.

Mr. BEILENSON. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Indiana, [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to both H.R. 927, the Cuban Liberty and Democratic Solidarity Act, and to the rule which is now before the House.

Many Members remain quite unfamiliar with the details of this bill. I will speak during the general debate about why I think this bill represents the wrong approach to U.S. policy toward Cuba.

I am not concerned only with the substance of this bill. I am deeply concerned that this bill has been and will today be considered in a manner that subverts appropriate processes in the House. This statement is not one I make lightly or easily.

TIMING: RUSHED TO THE FLOOR

I was informed only last Thursday that this bill would be scheduled for consideration on the House floor this week. We had asked repeatedly over the last month and were told repeatedly that it would not be considered by the House until October.

I do not understand the sudden rush to place this serious piece of legislation before the House this week. Those of us who oppose the bill would have liked a little more notice about its rapid jump to the top of the legislative calendar.

OTHER COMMITTEES BYPASSED

Let me describe the process by which this bill comes before the House.

The great bulk of the bill lies in the jurisdiction of the Ways and Means and Judiciary Committees—committees with real expertise that the International Relations Committee cannot claim on questions of import policy, visa exclusions, and Federal court jurisdiction. Titles III and IV of the bill—more than 50 percent of its content—are almost entirely within the jurisdiction of the Judiciary Committee. These titles contain very complicated provisions that will have a tremendous impact on the federal court system.

Yet both Judiciary and Ways and Means waived consideration of the bill. Now I understand that is well within the prerogative of a committee chairman, but I believe that waiving consideration on a bill of this magnitude is, to put it gently, not appropriate.

Let's be clear: when you combine waiving consideration with a closed rule—like the one we are considering now which makes only 4 amendments in order—you have shut out those Members of the House with the greatest ability to improve the legislation.

Additionally, the bill being considered before the House is not the bill reported by the International Relations Committee, the only committee to act. The text made in order by this rule include changes requested by another committee chairman, without any committee action. The bill reported to the House by the only committee to consider it included a section further regulating sugar imports. The bill to be considered under this rule does not contain that provision.

The bill before the House also makes significant changes in title II, the only title exclusively in the jurisdiction of our committee. The bill reported out of the Committee contained an authorization for assistance to a Cuba in transition. The bill that we will consider on the floor has no authorization. In fact, the bill before the House includes changes almost identical to those contained in an amendment offered in

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committee that was rejected by the Committee.

The changes made to title II appear to result directly from the cost estimate submitted by the Congressional Budget Office. That estimate itself is proof of the extent to which the role of committee consideration and the weight of a reported bill are being ignored.

The CBO letter states that appropriations for the bill as ordered reported ''could exceed $1 billion'' but prior to providing this estimate, it states that

> CBO understands from Committee staff that a Committee amendment will be offered on the House floor that would strip the bill of an openended authorization of appropriations and would make certain other provisions subject to further authorization and appropriations action. Such an amendment would reduce the bill's budgetary impact to relatively small amounts.

CBO apparently no longer even accords committees enough respect to provide a cost estimate specifically on the action the committee has taken.

These changes represent nothing short of a rewriting of the bill between the committee vote and floor consideration. In my view, changing the bill as it was reported from the committee in this manner is unacceptable.

THE RULE ITSELF

With respect to the Rules process, Members were first told last Thursday that it was ''likely'' that amendments pre-printed in the CONGRESSIONAL RECORD would be accorded preference in floor consideration. Mr. DRIER stated at that time that there was no need for Members to file their amendments with the Rules Committee.

It was also announced that amendments should be drafted to a substitute that Mr. BURTON had included in Thursday's CONGRESSIONAL RECORD. This announcement implied that most Members would have the ability to amend the bill.

Then, at noon on Monday—a day when no votes were scheduled—Chairman SOLOMON announced that Members should expect that the Rules Committee might report a structured rule, that amendments now had to be filed with the committee by 1 pm on Tuesday, and that those amendment should be drafted not to the Friday substitute, but to a bill that Mr. BURTON introduced that day. Effectively, this meant that Members—most of whom did not arrive back in Washington until Tuesday morning—were given only a few hours to submit their amendments to this new bill, all 79 pages worth.

Several Members were actually able to get amendments to the Rules Committee by Tuesday afternoon, prior to the start of the Rules hearing on this bill. And yet, not all amendments that the Rules Committee received were made in order. In fact, Mr. SKAGGS and Mr. MCDERMOTT were shut out entirely because their amendments arrived at Rules after 1 pm.

However, it is my understanding that Mr. BURTON's three amendments were late as well. But one of those amendments was made in order by the rule, giving special treatment to the Member that wrote the bill—the Member who needs special treatment the least.

The Rule does make a Hamilton substitute in order. Now that's fine. But I never requested that the Rules Committee make in order such a substitute and I do not intend to offer a substitute. I simply do not understand why the committee would make in order a substitute that they know I do not have while denying other Members the ability to offer amendments that they had drafted and ready to go.

At the Rules Committee hearing, several of my colleagues stated that this very restricted rule was acceptable on this bill, because all the elements of the bill had been considered many times before. I take issue with that statement. To the best of my knowledge, easily one half of the bill—all the property and visa provisions—are without precedent. We are creating new rights of action, we are creating new reasons to exclude entry to the United States. And we are doing so under an exceedingly restrictive process.

CONCLUSION

I think I have made clear the extent of my deep concerns about the process by which this bill comes before the House.

I urge a ''no'' vote on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I would like to take issue very briefly with the distinguished gentleman from Indiana with regard to his analysis of how the bill has reached the floor and specifically his analysis of the changes that were made after the bill as reported from the Committee on International Relations and its arrival at the Committee on Rules where it was reported favorably yesterday.

As I attempted to state earlier, the chairman of the Committee on Ways and Means made some minor recommendations that (a) make certain that the bill does not violate international agreements; (b) made discretionary some of the bill's recommendations for assistance to a post-Castro democratic Cuba; and, as been stated by the CBO letter, ended the bill's fiscal impact.

Mr. Speaker, I yield 4 minutes to my distinguished colleague and dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the rule. This legislation is critical if we are to help the Cuban people break the chains that have denied them the most basic freedom for 36 years. Today the situation in Cuba seems to belong in the pages of a novel of terror. The millions of people who inhabit the island have no civil or human rights. They do not have the opportunity to freely elect their representatives. Instead, they are forced to belong to a failed Communist party which controls all activities. While tourists and foreigners enjoy lavish foods and amenities, the Cuban people are left to struggle daily for simple sustenance. Castro feeds the tourists. He starves the natives.

The people hunger for the truth. He feeds them lies. Dissidents are systematically persecuted, harassed and arrested. All this to satisfy the thirst for power of one man, Fidel Castro. For 36 years, this dictator and his Communist thugs have turned a once prosperous and developing nation into what analysts called an ''undeveloping nation.'' The roads which were once filled with new cars are now invaded by inferior bicycles. The soil, once plentiful with food, is now desolate and barren, a tragic symbol of Castro's failed Marxist ideology. In Cuba today, the repression of the regime remains unabated in all sectors of society. Religious persecution has increased in recent months.

One of the most notable victims is Reverend Orson Vila Santoyo, a prominent evangelical leader who was arrested and sentenced to 2 years in prison for allowing religious services in his home. He was simply one of the victims in a large-scale harassment of religious institutions in that island. And persecution and harassment against journalists have also increased in Cuba. July saw a crackdown by the Castro dictatorship on independent journalists. During the first 2 weeks of that month, it was reported that Rafael Solano Morales, the founder of a clandestine independent news agency, Havanas Press, and Jose Rivero Garcia, of the Cuban Council of Independent Journalists, were arrested by Castro's police state. Solano Morales stated, ''This is harassment and attempted intimidation of the free press in Cuba, but it will not have the desired effect.'' He is one of the 47 dissident leaders inside Cuba who have publicly endorsed this bill.

In a letter which JESSE HELMS received from Elizardo Sampedro Marin, and I quote,

> We support the alternative you propose. Its approval will mean a definite turn in our favor. We thank you sincerely for what you are doing and we are sure that those who criticize you today will congratulate you tomorrow for your contribution to the process of democratic transformation in Cuba.

It is valiantly signed by 47 dissidents of 30 groups at great personal risk to these individuals. We know that more groups would like to come out and more voices would like to be heard but, similarly, harassment against human rights activists has also increased. Last May we saw a nationwide harassment and detainment of these activists and this crackdown was described by the Human Rights/American Watch organization as ''a kind of serious crackdown. It seems they, the Castro regime, is trying to scare them into leaving the country.''

Mr. Speaker, it is clear that Castro will not change voluntarily. He will

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not reform himself if it means reducing his absolute power. Castro has to be eliminated, not by redundant dialogue but through swift and firm policies against him as embodied in this bill.

Today we will hear from opponents of this legislation that Castro is reforming. We may hear about foreign investments in Cuba and how these investors are gaining a windfall from these investments and how us in the United States, we are losing millions. But what you will not hear from them is who benefits from these investments or the conditions under which the Cuban people must work in order to satisfy these unscrupulous and immoral investors.

The reality is that Cuba today has brought back serfdom to our hemisphere. This is the best way to describe the slave-like conditions of the Cuban worker, for while Castro obtains the hard currency he needs from foreign investors, he pays the Cuban worker, at his whim, sometimes less than 5 percent of this money. Moreover, Castro is attracting foreign investors by promoting the repression that subjugates the Cuban worker. And that is why, Mr. Speaker, we must pass this rule and we must pass this bill today, in order to affirm the rights of these individuals, to say we are against this repression, and we dedicate this bill in their memory tonight.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL].

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

□ 1945

Mr. RANGEL. Mr. Speaker, I rise in opposition to this rule, but before I state my reasons, I just want to make it abundantly clear that I have the utmost respect for those Members of Congress that seek to find democracy, as probably all of the Members of this Congress would want to see. I must admit that many of them have stronger ties to Cuba and therefore their feelings would be a lot more emotional.

By saying that, however, it does not mean that I have any lesser feelings for democracy. Certainly I am the beneficiary of the democracy of this great Nation, and I have fought when my country has asked me to preserve democracies in other countries, specifically South Korea.

I too have stood up in seeking to change dictatorships and hostile governments that oppressed the rights of people, yes, in Haiti and South Africa, and suggested the tools of using embargoes when the family of nations thought that this was an adequate thing to do in order to bring down those people who have a complete disregard of the rights of other people.

When I thought it was not working in Haiti, and before the President made up his mind that he was going to send in troops, I shared with the President of the United States that I thought it was time for us to review our embargo against the people in Haiti.

Certainly in South Africa there were nations all around the world who jointed with us. As a result of the initiatives that we have taken, and even the small role that I played in the Committee on Ways and Means to deny tax deductions to U.S. companies in South Africa that were deducting the taxes they paid to the fascist government of South Africa from their taxes, when that was denied I supported it, and democracy ultimately came.

If I thought for 1 minute that the family of nations thought the embargo was the way to go, and that 34 years of an embargo could ultimately lead to democracy in Cuba, I would be standing with my colleagues saying, yes, let us tighten it. Not only do I think the embargo is not working, but I think that we are now trying different ways to see how we can just show who is more for democracy, who is more against communism.

We do not find this feeling on the floor when we are talking about Communist China. We do not find this sense of being against communists when we talk about North Vietnam. We do not find this sense of communism when we talk about the people in North Korea. No, then we hear that America has to free people through trade.

I sit on the Committee on Ways and Means, which has some jurisdiction as it involves trade. I am there, and I am led to understand that the North American Free Trade Agreement is going to be good for America, that it is going to create jobs as we tear down the barriers of trade between nations.

I hear in the Caribbean Basin Initiative, these poor countries, that we should not give them fish, we should teach them how to fish, they should be able to trade with us. Trade, not aid.

Except for this little island there called Cuba. They are excluded from that. They are excluded from the North American Free Trade Agreement, not by other nations.

So we are being asked right here to say that we want to trade with everybody. We are the leaders in promoting free trade, except we say we are prepared to punish our trading partners if they see fit, in their national interest, to trade with Cuba.

How arrogant. How outrageous. Who is the United States of America to tell other people, people that we are begging to sit down at the negotiating table to trade with us and other countries, that they should not trade?

But why do I oppose this rule? I do not care how you cut it, something in here deals with trade.

I am on the Committee on Ways and Means. I have worked here a quarter of a century in the Congress and the Committee on Ways and Means. Now for the first time I am on the Subcommittee on Trade. Better than that, I am the senior Democrat on the Subcommittee on Trade in the Committee on Ways and Means. Even though I am not nearly as important as I used to be, trade issues come by my committee, unless Republican chairman talk with Republican chairmen and change certain things.

So along comes this bill, and where would they send the bill? To a lot of committees, but one of them was the Committee on Ways and Means. I could not wait for the bill. I could not wait for it, until I found out that the Republican chairman of the Committee on Ways and Means got together with the Republican chairman of the Committee on Foreign Affairs and said, can we take out anything that would allow us to have any interest at all in your trade bill?

Sure enough, they did it, and without a meeting, without discussion. Chairman ARCHER sends a letter to Chairman GILMAN, and therefore ranking member RANGEL never sees the bill. So we got a rule to tighten the trade screws on this Communist nation, Cuba. We have got to make certain anyone that trades with her is punished. If anybody, foreign, American, it does not make any difference, believes that Castro took any property, come to the U.S. courts and sue.

God forbid if other people start suing America in foreign courts and expect to get a return on it, but distinguished chairman of Judiciary Committees and things like that would straighten out those little international law matters, I am certain. Because in this Congress you do not need a lot of hearings, you do not need a lot of debate. All you need is a lot of votes, and the majority has got it.

Let me say this. This bill has nothing to do with this mean-spirited dictator Castro. It has nothing to do with punishing our trading partners who we beg to come to the Uruguay round, to come to the North American Free-Trade Agreement. All this bill has to do is to see how mean you can be in showing who likes democracy best.

May the record indicate, Mr. Speaker, when it comes to supporting democracy in this country around the world, I want to stand up with those fighters. But this is a bad bill at the wrong time. It is not in our national interest. The President is begging that you do not put it on his desk. He is going to veto it, and everybody who has worked in any State Department, Republican or Democrat, liberal or conservative, knows that this is not in the national interest of the United States of America.

I ask that we oppose this rule and that we defeat this rule and get on with our Nation's business.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 additional minute to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. I thank the gentleman for yielding me the time.

Mr. Speaker, I just want to say that my good friend, the gentleman from

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New York [Mr. RANGEL], was eloquent as usual. He is always.

I just want to say one thing to the gentleman. He talks about it being arrogant, trying to dictate trade policy from other countries. But there is a big difference, and I mentioned it in my remarks. When we are giving them U.S. tax dollars, we then have an in to tell them what they ought to be doing. If we do not want to give them the tax dollars, the gentleman is right, then we should not be trying to dictate to them.

Another thing is, he talked about the NAFTA, whether or not that was good. That is bad in my opinion. It has been bad for upstate New York. It has been disastrous, We are losing jobs every single day.

He talked about North Korea. He talked about China. There are some Republicans on this side of the aisle that do not think we ought to be doing business with China because of their terrible human rights record. The same thing with North Korea. The same thing with Vietnam and other countries. I just wanted to point that out to my good friend.

Mr. BEILENSON. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, the gentleman from New York [Mr. SOLOMON] is my dear friend and I know his strong feelings about protecting democracies, wherever they are, and, using trade to do it.

I would just like to say that I share those feelings, but I think that we only have one President at a time. I do not care whether it is Republican or Democrat. When it comes to trade and our international interests, I think we ought to give this President a chance, as we did President Bush and President Reagan. Our President asked at this time, do not put this on his desk, and I think he should be respected.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

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

Mr. DEUTSCH. Mr. Speaker, if the debate was just about the Torricelli bill, the Cuban embargo bill, then I think some of the comments that the gentleman from New York [Mr. RANGEL] made would be quite relevant. But what I ask my colleagues to do is to at least read part of the bill or at least go through the index of the bill, the table of contents or the committee report on the bill. Because as the bill is now in front of us as a substitute, this bill is relatively narrow.

Let us talk about the specifics of what it does. It only deals with foreign companies, non-U.S. companies that have in some way ascertained, purchased, illegally confiscated property in Cuba. That is all that it deals with in its present form in front of us. That is the bill. That is the issue in front of the United States Congress.

Let us just again talk about what that means, the specifics. It is a factory in Cuba, a refinery in Cuba that was owned by an American citizen—someone has left Cuba, now in America, or maybe even an American citizen prior to the change in government—that was expropriated illegally by the Castro government and then sold to a company, sold to a non-United States company. That company now is producing in that factory and getting the benefits of the production of that facility, and an injustice is occurring.

What this bill says is there is a way to right that wrong. The way to right that wrong is to say and use some pretty strong sanctions, and I agree that there are strong sanctions.

My colleagues have mentioned some of the strong sanctions: giving access to the United States courts to the person or, for that matter, the company that has had their property illegally expropriated and then sold to a foreign, non-U.S. company. One of the sanctions deals with visa rights of non-U.S. citizens to even come to the United States of America. There are some strong sanctions in this bill to prevent this from happening, but what I would say is those are needed.

What we have seen, and again I point out to my colleagues, the gentleman from New York [Mr. RANGEL] as well, that the Cuban embargo is really the Torricelli bill that has been in effect several years, not 35 years. The changes that we have seen, and I know Members speak to people in Cuba and I have the opportunity to speak to people, as well, who are visiting the island, who have seen the island, the reality is that Castro is holding on by his fingernails, barely holding on by his fingernails.

I urge the adoption of the rule and urge the support of the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of House Resolution 225, the rule making in order consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

I thank the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Indiana [Mr. BURTON], the gentleman from New Jersey [Mr. MENENDEZ], and the gentleman from New Jersey [Mr. TORRICELLI] for their decisive leadership on this important issue.

Mr. Speaker, House Resolution 225 is a fair rule that permits the House to take decisive action on one of the most important foreign policy issues in the Americas. This rule provides ample time for general debate—2½ hours—which will be evenly divided between proponents and opponents of the measure.

I welcome the decision of the Rules Committee to provide for a rule that allows us to act on H.R. 927 despite the crush of business at the end of the fiscal year.

Our committee held a lengthy markup on this bill, affording the minority ample time to offer and debate amendments fully. In fact, we acted on a dozen amendments that dealt with all of the key issues in this legislation. The bill, as amended, won a strong bipartisan vote of 28 to 9.

In response to concerns raised by several other committees of jurisdiction, substantial modifications are reflected in the final text coming to the floor.

H.R. 927 is a sound and important bill. I ask my colleagues to support the rule so we can bring this important issue to the floor

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Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON], the distinguished member from the Committee on Rules, for yielding, especially since I rise to support the rule and the legislation. I appreciate him yielding time.

Mr. Speaker, I want to strongly support H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I have worked tirelessly on this legislation since its introduction and written significant parts of it.

Mr. Speaker, this legislation strongly endorses the proposition that our policy toward the Cuban dictatorship must address the hard and disturbing realities of Castro's tyranny, not the unwarranted hopes for this dictatorship that some will maintain. It just as strongly rejects the notion that we must formulate policy toward Cuba's dictatorship as if it were not a dictatorship, as if it were a civilized member of the international community. It is not. There is no debate about Cuba's horrendous human rights record, its refusal to allow free and democratic elections, and its wanton disregard for the well-being of its people.

I support a structured rule on this vital piece of legislation. The reason that I support a structured rule in relation to this legislation is simple. Unlike other far reaching legislation, which covers a broad scope of issues—this legislation is issue specific and narrowly tailored to produce a designed result. It can be accepted or rejected on the House floor. I believe it will receive broad bipartisan support.

Do we want to be positive agents for democratic change in Cuba or do we want to squander the opportunity to promote democratic institutions and

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free markets? I am concerned that misplaced good intentions will delay the establishment of important transitional organizations that will promote freedom in this much oppressed country. I hope that the debate and amendments on this carefully crafted language will present constructive steps to promote democratization and not rehash cold war rhetoric.

This is not the time to abandon the bipartisan policy behind which the Nation united for 50 years and led to the ultimate defeat of totalitarianism. Ten Presidents have waited for the opportunity to bring freedom to America's only neighbor that suffers under dictatorship. It is time to render this regime to the dustbin of history and welcome a new neighbor to the fraternity of free nations.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of H.R. 927. I am from Miami, FL, and for the past 36 years I have supported the Cuban people. They live in Miami, a lot of them do. They are excellent citizens. They work very hard. I have bled with them, I have wiped their tears, I have listened to their pleas, and for many years I have represented them on the floor of the Florida House, even when there were no Cubans on the floor of the Florida House.

Mr. Speaker, I represent them now on the floor of this Congress, and say to my colleagues that this particular rule should be supported tonight, if for no other reason but for humanitarian reasons; if for no other reasons than to say we do not need a dictator in Cuba; if for no other reason to say that if one particular facet of our country is bleeding, the Cuban people in Miami and all over this country, then all of us are bleeding.

Mr. Speaker, Castro is the last remaining dictatorship in the Western Hemisphere and it is a brutal place. The Cuban people will tell us. Do they need freedom? I say yes. And why this rule? By whatever means necessary. By whatever means necessary to get Castro out of Cuba and to free Cuba for the Cuban people, instead of for him.

Mr. Speaker, my colleagues' vote will hasten final removal of Castro from power. We must use some action other than talk against Castro. So by whatever means necessary, let us remove him.

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing may I simply say, especially to my Democratic colleagues and especially to those amongst this side of the aisle who support the bill, everyone obviously is free to vote as he or she may desire. But however my colleagues feel about the bill, the rule does not deserve their support.

Mr. Speaker, not only is it not a fair rule, but many Members were actively misled as to what the provisions of the rule would be and what would be required of them if they were to have their wish to have their amendments made in order.

There are perfectly fair ways, there were and still would be perfectly fair ways in which to handle this controversial and difficult piece of legislation in the same amount of time. We did not need to close down the rule this way and in this particular manner. It is unfair to many who are interested in it.

Mr. Speaker, I would urge Members, however they feel about the bill, to vote against this rule so that in the least we might have a fair rule under which to discuss the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong favor of the proposed rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I tell my colleagues from New York, Mr. RANGEL, that I dream of the day when 2 members of parliament who disagree as deeply and as passionately on an issue, that obviously is very close to my heart, will be able to have discussions like we have in this Chamber in a free and Democratic Cuba.

Mr. Speaker, the question before us is what can we do as representatives of the great American people to accelerate the inevitable liberation of the people of Cuba from the dictatorship that for over three decades has tortured them and oppressed them. Now, after losing the subsidy of the Soviet Union, it is clinging on to power, holding on to power with that last card available to the dictator, foreign investment with his fire sale at dirt-cheap prices of the entire island.

Mr. Speaker, the action we are taking today in passing this rule and debating and passing this legislation will, without any doubt, accelerate the liberation of the Cuban people. One issue that the gentleman from New York brought up, I think, is very important to end with.

The issue is that we are acting alone at this time in supporting the Cuban people. But throughout history, it is not the first time that the United States has acted alone and it is not the first time that a great power has stood alone in the world in support of an oppressed people.

Mr. Speaker, I remember reading the history of the American War of Independence. At that time, Great Britain was the great superpower and most of the world was aligned with Great Britain against the struggle of the American people for freedom and independence, and it was basically France and the Cubans at that time, who were forming as a nation and who were still under the flag of colonial Spain, who came to the help of the American people.

Here we have in this Chamber the picture, the portrait of Lafayette, that great French general, who along with other countrymen of his, and Spanish people, people under the Spanish flag in the forming Cuban nation, helped this Nation.

So, Mr. Speaker, we do not have to be ashamed that we are alone standing with the Cuban people. On the issue of Cuba, we only have to be concerned about standing with one people. On the issue of Cuba, we have to be concerned with standing with the Cuban people. We will be proving that we are with the Cuban people, and that is enough for the great American people for their conscience and their history that will reaffirm the greatness of this Nation, that in the 19th century alone stood with the Cuban people after the Cubans fought Spanish colonialism for half a century.

Again, in this era it is telling the international community if they go in there and try to prolong the ruthless dictatorship of Castro, they are going to have consequences against them in the United States of America.

Mr. Speaker, let us support this rule and pass it and let us pass this legislation.

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

The SPEAKER pro tempore (Mr. TORKILDSEN). Without objection, the previous question is ordered on the resolution.

There was no objection.

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

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

Mr. BEILENSON. 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 304, nays 118, not voting 12, as follows:

[Roll No. 681]

YEAS—304

Ackerman	Bentsen	Browder
Allard	Bereuter	Brown (CA)
Andrews	Berman	Brown (FL)
Archer	Bevill	Brown (OH)
Armey	Bilbray	Brownback
Bachus	Bilirakis	Bryant (TN)
Baesler	Bishop	Bunn
Baker (CA)	Bliley	Bunning
Baker (LA)	Blute	Burr
Ballenger	Boehlert	Burton
Barcia	Boehner	Buyer
Barr	Bonilla	Callahan
Barrett (NE)	Bono	Calvert
Bartlett	Borski	Camp
Barton	Boucher	Canady
Bass	Brewster	Cardin

Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Pastor
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—118

Abercrombie
Baldacci
Barrett (WI)
Becerra
Beilenson
Bonior
Bryant (TX)
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dingell
Dixon
Doggett
Doyle
Durbin
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Hall (OH)
Hamilton
Harman
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Mascara
McCarthy
McDermott
McKinney
Meehan
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Parker
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Poshard
Rangel
Reed
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Stokes
Studds
Taylor (MS)
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
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NOT VOTING—12

Bateman
Dicks
Hilliard
Martinez
Moakley
Reynolds
Riggs
Sisisky
Stark
Tucker
Volkmer
Yates

□ 2030

Messrs. WISE, POMEROY, GEPHARDT, FAZIO of California, and HOYER changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2031

The SPEAKER pro tempore (Mr. TORKILDSEN). Pursuant to House Resolution 225 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. 927.

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. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Indiana [Mr. BURTON] and the gentleman from Indiana [Mr. HAMILTON] each will be recognized for 1 hour and 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. TORRICELLI], and I ask unanimous consent that he be allowed to yield time.

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

There was no objection.

Mr. HAMILTON. Mr. Chairman, I yield 15 minutes of my time to the gentleman from New Jersey [Mr. TORRICELLI], and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

The CHAIRMAN. The gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we received a copy of a letter today from over 100 people in Cuba, not Cuban-Americans, but Cubans, and in that letter, they stated their support for what we are trying to accomplish here tonight. Some people in this Chamber have indicated that the Cuban people were not for the Burton-Helms or Helms-Burton bill, but the fact of the matter is, many, many, many are. I submit to you that a majority of the people of Cuba want freedom, democracy, and human rights and that is spelled out very vividly in this letter, and I would like to quote very briefly from this letter one paragraph.

Mr. Chairman, it says, ''The economic embargo maintained by subsequent American administrations has begun to make its influence, felt not against the people, but against those who cling to power.'' And he is talking there about Fidel Castro, Raoul Castro and the rest of that Communist dictatorship down there.

Mr. Chairman, I would further like to say that I am very happy that a member of the Kennedy family, the gentleman from Rhode Island [Mr. KENNEDY], has chosen to endorse this piece of legislation, and I noted in the rule that just took place that both the gentleman from Rhode Island [Mr. KENNEDY] and the gentleman from Massachusetts [Mr. KENNEDY] supported the rule, and I would like to read from a statement by the gentleman from Rhode Island [Mr. KENNEDY], the nephew of one of our great Presidents, John F. Kennedy.

Mr. Chairman, he said, and I quote, ''The bill is a clear statement that the American people stand arm in arm with the people of Cuba in their struggle against a repressive dictator, and that we will not back away from being partners in our common fight for freedom begun by my uncle, President Kennedy.

''We won the cold war because we never gave into communism. By standing firm, we brought down the iron curtain and saw communism collapse in Europe.

''The conditions which prompted President Kennedy to start the embargo have not changed.

''Now is not the time to offer relief to the Castro regime, especially relief at the expense of American citizens who had their property seized when Castro took power.

''This bill prevents the Castro regime and foreign corporations from profiting off the confiscated property of Americans.

''Let's be clear, foreign investment in Cuba means one thing, it is a lifeline to the Castro regime.

''It will legitimize an illegitimate government.

''It will offer protection to a man who must be brought down, just like the communist dictators of Eastern Europe.

''It will postpone the day that the people of Cuba will live in freedom and democracy.

''President Kennedy looked forward to the day Cubans would live in freedom. I share this hope for the future and this bill will help that day come soon.''

I want to congratulate the gentleman from Rhode Island [Mr. KENNEDY]. I do not know if he is here tonight, but I want to congratulate him for that statement and for supporting what his uncle started back in the 1960s.

Mr. Chairman, our great Nation has always played a leading role in the promotion of freedom around the world. The inspiration of our Founding Fathers and the model of our Constitution are revered from Tokyo to Timbuktu, from Manila to Managua. Though our example is followed all over the globe, it is in our own hemisphere naturally that the American vision of freedom and democracy has had the most resonance.

Mr. Chairman, it is therefore a particular tragedy that the island of Cuba, so close to the shores of the United States and with which our Nation has such a long shared history and interaction, is still captive to the whims of a megalomaniacal dictator, Fidel Castro.

Freedom in Cuba is a concern not only for Cuban-Americans but for all Americans. Cuba is the last dictatorship in this hemisphere and the only holdout against a democratic tide. A free Cuba will benefit not only its own people, but the people of the Caribbean and Latin America.

The economic potential of Cuba is absolutely tremendous. Before the communist revolution, the Cuban people enjoyed one of the highest standards of living in Latin America, but today, after 36 years of Castro's mismanagement and communism, corruption, and the communist failure, the Cuban people suffer with the lowest per capita income in the Western Hemisphere, with the possible exception of Haiti. Let me restate that. They were the best economy in Latin America when Castro took power and now they are the absolute worst. That tells us what communism does.

The people of Cuba deserve to join the ranks of the millions of people around the world freed in recent years from the communist yoke. They yearn to be able to enjoy the benefits of the free market, of free trade, of investment and opportunity.

Mr. Chairman, with Castro in power, such dreams are impossible. Castro is determined to hold on to power no matter what the cost to his own people. His motto is still, and he said this just recently, socialism or death. That tells you he is in no mood to change. It is quite clear that he is not at all interested in reform, economic or political, for such a move would spell the end of his cruel and vicious dictatorship.

Oscar Arias said not too long ago, ''There is no will to reform in the Castro regime.'' The changes that have been made in recent years by the Castro regime have been taken out of desperation and are only intended to perpetuate Castro's rule. The fall of the Soviet Union and the East Bloc, the so-called evil empire, meant the end of an annual $6 billion in subsidies to Castro. This means that the Cuban economy is in free fall today, having declined by 60 percent since 1989.

Castro is increasingly desperate for foreign currency. The only thing that can keep his regime in power. This is precisely the reason that he has embarked on a campaign to encourage foreign investment at the expense of Americans who had their property confiscated. It is this very lifeline that we must deny to this cruel dictatorship. Our bill is the tool that will deny him his last hope for keeping his regime in power.

Let no one believe the silly argument that the continuation of the embargo harms American business. What kind of business opportunities exist in a pathetic dictatorship where no respect for property rights exists, where investment from the outside is tightly controlled, and where the economy is moving backward at a very rapid rate, I might add, a process that has been described as dedevelopment.

Mr. Chairman, Freedom House rated Cuba dead last, dead last, even behind Somalia in terms of economic freedom in the entire world. Cuba is dead last in the world as far as business opportunity is concerned. It seems to me that despite all the rhetoric and propaganda, Cuba is just not a good business risk as long as Castro is in power. This is especially so given his track record. This is the same guy who confiscated $2 billion, that is 2,000 million dollars worth of U.S. property in 1962 dollars.

Even without these obvious risks, companies investing in Castro's Cuba today should remember that they will probably not be welcome in a Democratic Cuba tomorrow. I think that point needs to be made. Those who invest in Cuba today, who buy confiscated real estate and property, they are certainly not going to be welcome by those who are in a freely and democratically elected government in Cuba.

Mr. Chairman, besides the business dimension, there is a very serious moral dimension involved. Cuba, according to every single international human rights organization, every one without exception, is one of the worst violators in the world. Hundreds are still in prison for their political beliefs. Since Castro seized power, thousands have been imprisoned, killed, exiled and tortured.

Just last year, and this is very important—I hope my colleagues will pay attention to this—just last year, a tug boat called the March 13th, full of men, women, and children, was purposely rammed and sunk by Castro's thugs. Over 70 innocent women and children and men drowned. They pulled their boat up, the navy of Castro, alongside this boat with women holding their children over their heads and they directed the hoses at them. When the women took the children down into the hold of the boat, they pulled up alongside, directed their hoses into the hold and drowned those innocent women and children just like rats.

Mr. Chairman, that is the kind of government we are talking about. The Cuban people continue to have their basic rights denied and there is no hope for change under Castro. He has made that very clear. He referred to Gorbachev as a traitor to communism. This is not a man who will ever reform.

Our bill, Mr. Chairman, is a beacon of hope for the people of Cuba. I have here a letter written by the leader of a major democracy movement I alluded to a moment ago and signed by well over 100 activists. They state very clearly once again that the Cuban people support what we are trying to do here and take comfort from it.

There are two major reasons to support our bipartisan bill, Mr. Chairman. First, it is in the U.S. interest to do so. Democracy in our hemisphere is beneficial to all of us and Cuba is today the skunk in the garden party of hemispheric democracy. Our bill will hasten democracy in Cuba. It is also in our interests because American citizens deserve the right, deserve the right, as was stated by the gentleman from New Jersey [Mr. MENENDEZ] a few moments ago, to sue to recover their stolen property. Our bill will give them that right.

The second major reason to support the bill is that morally it is the right thing to do and America always tries to do what is right and just. Our Founding Fathers firmly believed that freedom is the deserved legacy of all people wherever they may be around the world. In promoting freedom for the people of Cuba, our neighbors, our brothers, we do nothing less than follow in the hallowed footsteps of our own Founding Fathers.

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

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

Mr. JOHNSTON of Florida. Mr. Chairman, I rise to strongly support H.R. 927. I acknowledge the sponsor's intention in hastening Castro's downfall, which I would like also, yet I believe that both the premises and the specifics of the bill are fatally flawed.

I believe sincerely that the bill will backfire. First, the bill will give Castro the nationalist card again that he always plays. He has learned to thrive in the face of U.S. hostility.

□ 2045

Let us not give him another chance to rally his people around the American imperialist threat. The measures

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in this bill will give Castro another chance to play the victim. Every time we have him on the ropes, we allow him to escape with another embargo. We are the only country in the world that has embargoed this nation. This dictator will again blame the United States for Cuba's economic problems and he will likely throw open his borders again for another boatlift across the Florida Straits, inundating South Florida.

As a representative of south Florida and a native there, I am very concerned about the strain of the boatlift again. This is like the Tale of Two Cities. It is the best of times and the worst of times. The best of times is the quality of the people who have come to the United States from Cuba, three of whom are in the Chambers tonight, the gentleman from Florida, LINCOLN DIAZ-BALART, the gentlewoman from Florida, ILEANA ROS-LEHTINEN, and the gentleman from New Jersey, BOB MENENDEZ.

The worst of times is the quantity of people who have come from Cuba to the United States. Over 10 percent of the Cuban population, 700,000 people, now reside in Dade, Broward and Palm Beach County. As they say, they are great citizens, but the strain of the infrastructure from any large immigration of that nature puts a great strain on the infrastructure. It has nothing to do with ethnicity. They could be Norwegian or Japanese or Germans, but 700,000, 10 percent, is too many, and I again am afraid it would open the doors.

I lived in south Florida in 1959 when Batista fell. I was in there in 1980 for Mariel, and I still live there. The provisions of this bill play right into his hands, and Cuba's communism will pass of a natural cause. It seems to me that every time he gets in trouble, we throw him a life jacket.

Let us not continue to prop up Castro with another self-defeating measure as this resolution. According to Carl Hiaasen, a respected columnist for the Miami Herald, and I quote, ''The man has outlasted eight United States presidents and the trade embargo sits in Havana waiting for the next page of his script. He has been acting the same sorry play for 35 years because we keep giving him the material.'' Castro's material is the nationalist trump card, and let us not give it to him again.

Second, this legislation is based on a false premise that cutting off Cuba economically and politically will expedite his fall. To the contrary, I believe that a free flow of political and economic ideas is critical to the downfall of communism, just like it was in Eastern Europe when we allowed the Hungarians and the Rumanians and the Poles to look over the fence, they threw over communism and they threw over their dictator.

We have had this embargo in place now, as I said, eight presidents and now 33 years, and Castro is still with us. The way to get rid of him is, and I quote now from Stephen Rosenfeld of the Washington Post, ''We had reason for concern in the days of Soviet adventurism and Cuba revisionism and subversion. But now Cuba represents no threat and it is a failed revolution to boot. The embargo has been on for 33 years. Is not a third of a century a sufficient test of whether our policy is working?''

I believe it is time to change. It is time to lift the embargo. We should seek a policy of positive engagement with the Cuban people, not with Fidel Castro, a policy which has demonstrated a track record in lessening and weakening the grip of communism. We share all the goals of encouraging a peaceful transition in Cuba, a transition with as little human suffering as possible.

I have talked to Cuban-Americans in south Florida who believe that if we had changed our policy earlier, Mariel would have never happened and Castro would have been long gone. Simply put, the embargo has failed. Clearly, my major objection to the bill is philosophical. Yet I have another one with somewhat more objective specifics. Several provisions of the bill call for extraterritorial reach of the United States law which is highly questionable under international law.

I strongly urge that this bill be defeated.

Mr. BURTON of Indiana. Mr. Chairman, I am very happy to yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the very competent and fine leader of the Committee on International Relations.

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

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

Mr. Chairman, the Cuban Liberty and Democratic Solidarity [LIBERTAD] Act does more than ''stiffen sanctions'' on Cuba. It has three constructive objectives:

To bring an early end to the Castro regime by cutting off capital that keeps the regime afloat;

To start planning now for United States support to a democratic transition in Cuba;

And, to help protect property confiscated from United States citizens that is being exploited today by foreign companies that are profiting at the expense of the Cuban people.

By passing this LIBERTAD Act with wide bipartisan support, Congress will force the Clinton administration to turn its energies to bringing about genuine, fundamental change that we all want in Cuba.

This legislation advocates a responsible course to encourage and support genuine, fundamental reforms in Cuba. And, in the meantime, it helps protect the property of U.S. citizens until they can reclaim it under a democratic government.

Mr. BURTON has worked with a strong bipartisan coalition. With the help of Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. MENENDEZ, and Mr. TORRICELLI, he has fashioned a sound piece of legislation.

The Burton bill will make a difference for the better in Cuba and advance one of our most critical foreign policy objectives in the Americas.

Some critics of this legislation have argued that we should abandon our embargo as a relic of the cold war. I disagreed with these activists when they advocated a softer line on Castro when he still had troops in Africa and surrogates in Latin America. And I disagree with those critics today.

However, we do agree that it is immoral to accept the status quo without taking new measures now to hasten definitive change in Cuba. Based on a fair reading of the facts, I believe the Burton bill leads in the right direction.

We must consider that Castro did not feel the brunt of our embargo until the $4 to $5 billion in annual Soviet support dried up in the last few years. To put the size of this Soviet support in perspective, total United States economic assistance to all of Latin America and the Caribbean, with 40 times Cuba's population, exceeded $2 billion in only 7 of the last 35 years. Deprived of the Soviet subsidy, Cuba's economy has shrunk by 50 percent since 1989.

Those who have tried to cajole Castro toward reform have failed miserably. For decades he has flatly rebuffed the approaches of such friends as Mexico and Spain. And he has rejected the trend to democracy and respect for human rights in the Americas.

Despite their efforts to encourage reform through dialog, Castro's eager trading partners in Europe, Canada, and elsewhere are left to grumble about continued systematic, omnipresent repression in Cuba.

The 1994 report of the Inter-American Commission on Human Rights observed:

> The human rights situation in Cuba is extremely serious * * *. The deterioration in living conditions, the repressive control exercised by the state through the security agencies against individuals and groups who differ with the regime, and the extreme economic difficulties * * * caused a mass exodus of persons who put out to sea on makeshift rafts in search of new horizons, despite the fact that they were taking their lives in their hands by doing so.

For those who are quick to blame Cuba's desperate condition on United States policy, the Commission, which is respected for its fierce independence, observed, ''The Cuban crisis has, primarily, deep internal roots.''

However, instead of adopting genuine reforms that would liberate an economy that flourished before his revolution, on September 5 Castro approved a foreign investment law in a desperate effort to raise capital.

His so-called reform does just enough to attract unscrupulous investors with the opportunity to exploit Cuban workers who are paid a slave's wages and forbidden to strike. These investors are also attracted by property that was illegally confiscated from Americans.

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Ironically, even the corporate scavengers who have been looking to make a quick buck in Cuba have panned Castro's new foreign investment law:

The reason is that private property still does not exist in Cuba, so investors cannot take title to property. Castro retains absolute right to cancel all ventures, with the property involved reverting to the state. And, the regime will continue to control the labor supply and dictate contract terms.

These are not real reforms that benefit the Cuban people. By thwarting Castro's effort to hold on to power, we are sparing the Cuban people further exploitation and helping bring their dictator down.

How does the Cuban Liberty and Democratic Solidarity Act propose to break this tragic status quo?

First, it reaffirms longstanding United States policy toward Cuba, turning back efforts within the Clinton administration to warm relations with the regime.

Second, it requires the President to plan now to support a democratic transition, and it sets principled conditions under which the embargo will be suspended and certain types of U.S. assistance could be provided to a new government.

Third, it allows U.S. nationals to sue foreigners who exploit property stolen from them by the Castro regime. The simple purpose of this provision is to pose a stark choice between trading with Castro and trading with the United States.

Mr. Chairman, it simply makes no sense to lift our embargo just as the Castro regime is on the ropes like never before.

Normalizing relations without verifying fundamental political and economic reforms would merely resuscitate a fading dictator who is the chief obstacle to real reform. Trade with Cuba today only benefits the repressive ruling class, prolongs Cuba's anguish and structural poverty, and destroys United States credibility with the Cuban people.

Mr. TORRECELLI. Mr. Chairman, I am pleased to yield 2 minutes to my friend, the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. I thank my friend, the gentleman from New Jersey, for yielding time to me.

Mr. Chairman, I would like to rise in strong support for this legislation and to acknowledge the bipartisan support of the legislation by the gentlemen from Indiana, Mr. BURTON, and to thank my friends, the gentlemen from New Jersey, Mr. TORRICELLI and Mr. MENENDEZ, for their excellent leadership on this issue.

If we have learned anything in the last 10 years, we learned that America's greatest asset is not our military might or our industrial or economic strength. It is the power of our ideals and the impact that those ideals have on people around the world. Some people argue against this bill by saying America should not be out their by ourselves. I was proud that we were the first to step forward in many ways and lead the effort to dismantle the apartheid regime in South Africa. We did things by ourselves in that effort that we should have done. On the day, Mr. Speaker, that I took office as a Member of Congress, Nelson Mandela was in prison. Today, he is president of his country in a free election.

There are those who say that the best policy is incremental change, negotiation with those who would suppress human rights, as Castro has done. There were those who said that about the Soviet Union, and I think that one of the lessons of the 1980s is that where you meet tyranny with appeasement, where you meet tyranny with incremental change, you get more tyranny, not more progress.

There are those, and this is the toughest argument, who would oppose this bill because they talk of the very real plight and very real suffering of the Cuban people. Certainly we are sympathetic to that but we have come to this conclusion. As we did with the people of Eastern Europe where there was suffering, when we stood firm against the tyranny of the former Communist rulers in Eastern Europe, when we took the side of freedom and human rights, we have today achieved a result where we are no longer worried about leaders exploiting the freedom of their people. We are worried about people exploiting their freedom to the best use of their countryman and countrywomen.

The time has come for us to once again take the lead on the international scene, to stand behind our principles with our actions and our dollars and to support this piece of legislation.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

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

Mr. Chairman, our own enlightened self-interest ought to be our guide to a pragmatic policy with respect to Cuba. Instead, we have in this bill yet another iteration of an outdated, outmoded ideology, mindless isolation. What is the United States self-interest here? What should be our objective? It should be a peaceful transition to a Cuba with an open economic system and a democratic political system. What is the best way to achieve that objective? I submit that our recent experience is instructive here, our experience with the Soviet Union, our experience with Eastern Europe, our experience with China and even Vietnam, and that is an experience of engagement; engagement economically with trade and investment, showing the virtues of our economic system on the ground, in person, in their face.

Engagement ideologically with the free exchange of information and people, unimpeded travel of human beings and ideas. Our engagement culturally, cultural exchange, humanitarian involvement.

What are we afraid of here? We should be so encouraged by the ultimate success that we have enjoyed with the former Communist world and that we will enjoy with the soon-to-be former Communist world that we should be itching to apply the same lessons, the same strategy in Cuba. What are we afraid of? A small island nation with no strategic allies and a failed economic and political system.

Only a few weeks ago this House accepted the wisdom of a strategy that began with Richard Nixon, a strategy of engagement with respect to China in extending MFN another year. As much as we despise the human rights abuses, the political tyranny and all the rest that is objectionable in China, we understand that it is in our self-interest to engage with them on a broad range of activities, just as we did with the Soviets.

□ 2100

Just as we did with the Soviets, we understand that with regard to China that ultimately poses much greater risks to this country than Cuba, and we acted on that understanding precisely because we know that engagement politically, economically, culturally, that engagement holds out the best hope of avoiding those very risks, economic or military.

Why is that strategy not just as valid for Cuba? Perhaps because U.S. policy with respect to Cuba has for too long been captive of a hard-line ideology, an ideology driven by a group that may be more interested in settling old scores than setting a new course.

This bill takes U.S. policy in Cuba in exactly the wrong direction. It is absolutely contrary to the long-term self-interests of the United States. It will increase the prospect of a violent change that could present a real security and immigration crisis for the United States.

Let us learn from recent history, Mr. Chairman. Have the courage to say ''no'' to narrow ideology, to say ''no'' to special-interest-group domination of U.S. policy toward Cuba, and ''no'' to this bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 15 seconds.

We had an embargo against South Africa, against Haiti just recently, against Libya. My colleagues on the other side of the aisle, many of whom have spoken already, supported those embargoes. This is a more important embargo in my opinion than any of those.

Mr. Chairman, with that, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

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

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Mr. LIVINGSTON. I thank my friend from Indiana for yielding me the time.

Mr. Chairman, I rise in strong support of the Cuban Liberty and Democratic Solidarity Act. I want to commend Chairman BURTON and Chairman GILMAN for moving this very important piece of legislation.

Perhaps the gentleman from Colorado does not recall, but I certainly do, that it was not engagement that collapsed the Soviet Union and the Soviet empire. It was containment. That is the policy that we are exercising in Cuba, especially with the passage of this act.

Cuba today continues under Fidel Castro to be an oppressive Communist relic of the Cold War. Castro retains his backward totalitarian regime only 90 miles from our shore. He continues to imprison his opponents and to imprison human rights activists and persecute them unmercifully in the country of Cuba.

Basic freedoms are routinely repressed. Cuban prisons are full of political prisoners. I have met them by the tens, almost hundreds. I have to say that some of them have stayed and lived for 10, 15, 17, perhaps as long as 20 years in single cubicles. I have been astounded by the tales of torture and imprisonment and abuse of human rights. Yet we see that his failed economic policies are collapsing the country. I cannot believe what I hear, that the opponents of this legislation say it is time to engage with Castro. The fact is it is time to tighten the sanctions and end Castro ruthless dictatorship.

Since the cutoff of Soviet assistance in 1991, he has launched a desperate campaign to lure foreign investment to Cuba, to generate hard currency to sustain his repressive apparatus. We must not allow Castro to prop up his failed government with foreign investment and properties which were confiscated from U.S. citizens. H.R. 927 permits American citizens to recover damages from foreign investors who are profiting from their stolen property in Cuba. This bill will block the foreign investment lifeline which still keeps Castro's regime alive and it will create a right for U.S. citizens to sue any individual or corporation which knowingly and intentionally trafficks in confiscated property of U.S. nationals. It also denies entry to the United States of any person who trafficks in such confiscated property. These are logical steps which compel international companies to confront a very fundamental choice. You can either ignore U.S. property rights to engage in business as usual with Castro or you can retain access to the world's largest market.

Only by ending Castro's access to foreign capital will we succeed in bringing his dictatorial rule to a halt.

While I strongly support the stick approach of increased economic sanctions to force Castro from power, I also support the carrots which are included in this legislation. I urge the adoption of this bill. It is needed and Castro's rule must come to an end.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Chairman, I rise to strongly oppose H.R. 927.

At this time in our history, when we take such pride in declaring the end of the cold war, we should be moving toward demilitarization, breaking down cultural, economic and social barriers, and extending a peaceful hand to our neighbors worldwide. Instead, with this bill, we are choosing to escalate economic war on a small country that poses absolutely no threat to our country.

The United States cut off trade and travel between the United States and Cuba in 1960, in retaliation against Fidel Castro and his Cuban revolution. Thirty-five years later, it is clear that the embargo has failed.

H.R. 927 now calls for even tighter restrictions. But let us take a closer look at the facts.

At the same time we are moving to establish diplomatic relations and open new markets with Vietnam, this bill will further restrict United States companies and loan institutions from trading freely with other countries and foreign companies. It will violate GATT and NAFTA by denying visas to people doing business with Cuba. And it will cost the taxpayers millions of dollars by committing our Federal court system to thousands of additional claims for expropriated Cuban-owned property.

The only tangible result of the embargo has been the resentment of average Cuban citizens. Rather than discrediting Castro, Uncle Sam has gotten the blame for the island's hardships. It is time to end the embargo, and bring this cruel legacy of the cold war to an end.

I urge my colleagues to vote against this bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the very distinguished and helpful gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, the debate here tonight reminds me of the remarks by Benjamin Franklin, who once said, ''There is nothing so tragic as the murder of a beautiful theory by a gang of brutal facts.'' What the opponents of this bill have is a beautiful theory: that Castro will reform if only you treat him nicely, that repression is easing in Cuba, and that economic liberalization is commencing.

But the brutal facts are that the repression is increasing, that worker exploitation in Cuba has returned serfdom to our hemisphere, and that the struggle for freedom for the Cuban people against the Castro dictatorship remains as difficult as ever.

But do not take my word for it. Listen to Castro's own spokesmen. Castro's Foreign Minister, Roberto Robaina, who said just recently, ''For our enemies, the ideal would be to see us multiseparated, multidivided, and for that, they demand that we return to a multiparty system. That will not happen.''

Trabajadores, one of Castro's journalistic puppets, recently said about the new foreign investment law in the country, ''There is nothing in the investment law which weakens the leading role of our communist party.'' Clearly, these new cosmetic steps by Castro are not toward political or economic liberalization, but toward the extension of his cruel regime.

Opponents of this legislation talk about investments in Cuba, the millions of American dollars that should be going out to the investment market in Cuba. However, such talk misses the point, for the bottom line is that the situation in Cuba is not about investment or profiteering. It is, and should be, about the lack of freedom and human rights for the people of that island nation just 100 miles from my community of Miami.

What is the reality of Cuba? Unfortunately, the answer to this question is quite simple. For Cuba, under the Castro dictatorship, instead of progressing is regressing, not only economically but in the development of freedoms and liberties for its people. The Castro regime attracts investment by highlighting its repression of their workers. A Castro economic minister recently said, ''We are free from labor conflict. Nowhere else in the world could you get this tranquility.''

Mr. Chairman, Cuba has become one of the last bastions of tyranny in the world. Amnesty International describes the human rights situation in Cuba as ''Members of unofficial political, human rights and trade union groups continued to face imprisonment, short-term detention, and frequent harassment.''

The State Department and Human Rights report states that, ''The authorities were responsible for the extrajudicial killings of citizens fleeing the country. The government sharply restricts basic political and civil rights, including the rights of citizens to change their government; the freedom of speech, press, association, assembly and movement; as well as the right to privacy and various workers rights.''

These are just 2 examples of the human rights situation on the island, but Castro's long list of dubious achievements does not stop here. We should not forget that Castro's regime remains listed by our State Department as a state that promotes terrorism, and the FBI has acknowledged that the tyrant holds dozens of fugitives from American justice.

For decades the United Nations and foreign nations have refused to hear the cries of the desperate Cuban people. Even some of our colleagues who have supported economic embargoes to help

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the aspirations of freedom in other nations turn a blind eye toward Cuba.

This Congress, this country, should not engage in similar immoral conduct. This bill that we propose here today signals that the Congress of the United States will not sit idly by as unscrupulous investors and nations choose to make a quick dollar and conduct their dirty business with Castro, at the expense of the freedom and livelihood of the suffering people of Cuba.

As I have said, this legislation sends a clear and simple message. If you invest in Cuba by trafficking in confiscated American property, you can forget about doing business in the United States. Already, Mr. Chairman, this legislation even before it has been implemented is having the desired effect. The June 23 edition of the Miami Herald reported that investment in Cuba has been decreasing because of the threat that investors feel about this legislation.

No wonder that the Castro regime has mounted an unprecedented international propaganda campaign against this bill. The reason is because it threatens to cut its lifeline that maintains this evil regime in existence.

Mr. Chairman, it is highly cynical to believe that Castro and his henchmen, after more than three decades of absolute rule, will transform overnight into George Washingtons. This simply is not reality, it is a pure fantasy.

I urge my colleagues to support freedom and democracy in Cuba by supporting this legislation.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise in opposition to this bill. This bill is not likely to lead to democratization or political or social reform in Cuba. What it will do is create tremendous legal, business, and foreign policy problems.

In terms of legal problems, the idea of settling foreign land settlements, claims, in our courts sets an unbelievably bad example. Not only will it clog up our courts, but the precedent it sets for other immigrant Americans who have had their property seized I think is a wrong one and one that we will live to regret.

Of course, most of those settlements will result in default judgments, but it is precisely the kind of thing that will strengthen Castro's hand. The threat of all these land claims being settled in favor of the claimant is just what Castro needs to stay in power. It will create business problems. Those American corporations that hold the key to advancing the free enterprise system in Cuba will be prevented from being able to deal with Cuba when a transitional government begins, as it inevitably will, in Cuba.

□ 2115

It will create tremendous foreign policy problems. In fact, just at the point when the President will need to be able to help a transitional government in Cuba, it ties his hands with unbelievably rigid requirements.

It also completely undermines NAFTA that we just passed on the floor of this House. Our relationship with Mexico, with Canada, with our European allies, will all be undermined.

This bill does not advance the national interest of the United States. We ought to work on an approach to pressure Cuba on human rights and provide support to post-Castro Cuba. But this bill does just the opposite.

It would be better to support democratization in Cuba by encouraging the free flow of information and dialogue between the United States and Cuba and working with our allies and nongovernmental organizations to pressure Cuba for human rights and Democratic reforms. That is how we have shown success in our dealings with other countries, the Soviet Union in particular. We know what works and we know what does not work.

Those who support the increased isolationism of Cuba should explain how and why they think this policy can work, after it did not with Eastern Europe and the Soviet Union. And, in fact it was that beginning of openness, that Perestroika, that enabled communism to go down to defeat, just as Castro's communism will go down to defeat one day if we play it smart.

Mr. Chairman, I should also say that it is the attitude on the part of some people promoting this bill that is precisely the same attitude that contributed to the rise of Fidel Castro in Cuba. The classism, the racism, the elitism, the greed. That is why we have Castro 90 miles from our shore.

This is not a bill that is in the interests of the United States. It is in contradiction to our foreign policy. It is in contradiction to our attempts to open trade with both our allies and with countries who have the potential to develop a free enterprise system.

Mr. Chairman, it is certainly not in the interests of our U.S. judicial system to create a precedent that will clog up our court inappropriately. I urge my colleagues to vote against this bill and to take the kind of constructive steps we have taken in the past to remove Castro and to establish a Democratic free enterprise system of government in Cuba.

Mr. TORRICELLI. Mr. Chairman, before yielding to the gentleman from Florida [Mr. DEUTSCH] I want only to say as a Member of this House who has given several years of my career to working against Fidel Castro and for freedom for Cuba, it is only out of profound respect for the gentleman of Virginia [Mr. MORAN] that I did not rise in opposition or, indeed, objection in having our motives questioned or being compared with the Bastista regime in our using this vehicle to fight for freedom in Cuba.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I have sat here for about 2½ hours listening to a variety of debate about Cuba and free trade and about the cold war and what I would point out to my colleagues is that all of that is wonderfully interesting debate, but it just did not have a heck of a lot to do with this resolution that is in front of us.

This resolution deals with some very specific things. It does not deal with global cold war policy. What it does specifically is it deals with non-U.S. companies that have purchased illegally seized property and gives them a right to seek justice in American courts. That is what this legislation does. That is what it does.

Mr. Chairman, it does not deal, again, with the cold war, with big picture stuff. And there are plenty of issues that we can debate, and there may very well be other bills to debate those on. But I tell my colleagues, it is kind of hard to argue against what this bill does.

Think about it. Just simple justice for Americans who might have owned property in Cuba, or Cubans who left Cuba and became Americans, who are American citizens now. They owned a factory in Cuba, and they left because of the repressive regime. It could have been in the 50s or the 60s, or it could have been in the 80s for that matter, and then a non-U.S. company bought that factory or bought that refinery that was illegally seized from the government that illegally took that factory and is making money off of that factory.

Mr. Chairman, what this bill then says, if it is adopted into law, is that that U.S. citizen, or for that matter that U.S. company, has a right to seek justice, to seek compensation for what occurred. Yes, there are sanctions for those companies that bought illegally seized property and those sanctions are really somewhat severe. They deal with visa restrictions and a variety of other things. But for this to work, that is what we must do.

Again, I remind my colleagues that Castro is holding on by his fingernails in terms of his economy. He is using this expropriation and property thing even today. And for us not to pass this legislation is really effectively to support his regime. That is the effective result of failure to adopt this legislation would do.

Mr. Chairman, the message that it sends to Castro in particular is that he can seize property of Americans and get away with it. It is wrong. We need to adopt this legislation. We need to understand the specifics of it.

Mr. Chairman, I urge my colleagues to support the adoption of the legislation.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL].

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

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Mr. RANGEL. Mr. Chairman, I welcome this opportunity to oppose this legislation. It shows that in this great country people can have the same goals, but that in these halls that we can debate the manner in which we hope to achieve it.

Mr. Chairman, after the last debate on the bill, one of my friends that took an opposite side on the rule said, ''If you are really concerned about freedom in Cuba, if you are really concerned about getting rid of Castro, why do you not talk more about that?'' So, Mr. Chairman, I elect to do it.

Mr. Chairman, I would like to say, ''Hey, Mr. Castro it is all over for dictators. Communism has failed. Stop blaming America and stop blaming the embargo. Stop fooling the Cuban people in believing that it is the United States' embargo that has denied the Cuban people an opportunity to dream and to think that they can aspire to improve the quality of life.''

''Stop telling the American people over here in New Jersey, and the people in Miami, to keep putting up this embargo so that you can stay there as long as you want. Yes, Mr. Castro, stop making it appear as though that it is the United States of America, and allow us in these halls of the United States Congress to be able to say that we think the way to get rid of this guy is to let some sunshine in.''

Mr. Chairman, let us see what is happening in human rights. Is the way to show the violation in human rights in Cuba to have a handful of people in Cuba say we cannot go there? Give me a break. We are creating somebody out there. We are responsible for that dictator.

Mr. Chairman, if we want to get rid of him, open up the doors of trade. Let in students and doctors and artists. Let us exchange, show them that America is the showcase of democracy. Do not have this bum running around saying, ''Americans in the United States Congress say we cannot sell you food, we cannot sell you medicine, we cannot allow your kids to come here. You cannot come to the United States of America.''

What kind of country is the United States of America that we are going to be afraid of a handful of socialists, or whatever they call themselves over there?

This great republic can stand up against the Communists in all of what used to be the Soviet Union, and we are scared of a handful of people that Castro has got over there? We are out of our minds.

This great Nation can stand up against a billion Communist Chinese, run over there and spend their money, but we are scared of a handful of guys in uniform in Cuba?

This great Nation can go to North Vietnam and North Korea and have our businesspeople trade and have our students sing, laugh, trade information, and come back as Americans and not be afraid of them, but we are scared to death of this bum Castro?

Why not let America's voice be heard by what we sell best? We sell democracy. We sell contracts. We sell food. We sell medicine. We sell ideas. And we win at it.

Do you colleagues know why we win at it? Because that is why we got the North American Free-Trade Agreement. That is why we have got GATT. That is why the United States of America leads in trade. That is why we have got Ron Brown. That is why we have got the Department of Commerce. We are salesmen. We produce and the world buys.

But when my colleagues say ''embargo,'' it means do not talk, do not send reporters, do not let people see, Hey, America has got a great country. Let us see it. Let us see what is going on in Cuba. Who are we to tell Americans that they cannot go to Cuba? That we cannot have protection in Cuba? Are we afraid of this little island country in the Caribbean? They must be selling something that we better take a good look at.

Let us stop saying that we are afraid of Castro. The only way to get freedom in Cuba is to act as though America has got so much of it, so proud of it, that we can go any place and everyone would say, ''I want to be like you.''

But if we cannot allow them to come and listen to our music, our poets, our educators; if we cannot listen to their scientists and their doctors; if we cannot prove to them that America has more to offer than this overweight, old bearded guy that runs around there in combat boots, what kind of republic are we?

Mr. Chairman, I challenge my friends on the other side, tell the people in Cuba that it is not the American people that are doing this to them. We want to send them our food, our medicine, and our scholars. I think this bill separates Americans from Cuba and it is an impediment to democracy in Cuba.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say to the gentleman from New York [Mr. RANGEL], my learned colleague, we are not afraid of Fidel Castro. I do not know where the gentleman got that idea, that we are afraid of Fidel Castro. But we certainly are not afraid of Fidel Castro.

Mr. Chairman, what we are concerned about is what he has done to the Cuban people; what he has done to the American people who had investment down there, whose property was confiscated, that he took away and is now trying to sell for hard currency so he can survive.

We are concerned with people like Armando Valdarez, a patriot that stood up against Castro who spent 22 years in the Cuban gulag, was tortured, and has told all sorts of stories about what goes on down there. He wrote a book called, ''Against All Hope.'' I read it on an airplane and started crying, because of the atrocities perpetrated by Castro. People on the plane thought I was nuts, but the horrible things that he has done were so earth shaking to most people with heart that they say, ''Some monster like that has to go.'' He continues that same policy today.

Mr. Chairman, he is not fit to rule. He rules by coercion. He rules by brute strength and power. That kind of thing we cannot tolerate. The gentleman from New York [Mr. RANGEL] says he is against embargo. The gentleman voted for the embargo on Haiti and for the embargo on South Africa. My colleague cannot have it both ways. The gentleman does not believe in this embargo.

Mr. Chairman, the fact of the matter is that the money that goes to Fidel Castro's regime for a hotel that is built down there for the employee, he equates the currency of Cuba with the dollar.

□ 2130

He says that they are equal in value. The actual fact of the matter is, it is a 70 to 81 differential. And he takes money from people that pay the salaries of Cubans who work in these hotels, let us say it is $400 or $500 a month, and he pays them back in pesos, which equates to $3 to $4 a month.

If we read what the American Institute For Free labor said in part, the growing number of partnerships between foreign investors and Cuban Government agencies has not improved a lot of workers or provided them with greater autonomy. Instead, the Cuban Government has used the exploitation of working people and the absence of free association as a lure to attract investors, often to the detriment of workers in neighboring countries.

The fact of the matter is, Castro believes in socialism or death. He does not care about the working people down there. Their plight has gone straight downhill since he took power. The only way it is going to change is for him to exit the scene, for him to exit the scene. The fact of the matter is, he was getting $4 to $6 billion a year from the old Soviet Union; he is not getting it anymore. The only time the embargo has started to work is in the last 2 to 3 years when the Cuban Democracy and Freedom Act sponsored by the gentleman from New Jersey [Mr. TORRICELLI] passed. That is when the embargo started to take hold and have teeth and work, and Castro has been on the ropes ever since.

He is scared to death. He had people in the Committee on Rules yesterday watching what went on, because he knows, if this bill passes, he is not going to be able to get the hard currency he needs to survive. His days are numbered, and we should not throw him a lifeline, we should throw him an anchor. And I submit to you, this bill is an anchor.

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

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Mr. BURTON. I yield to the gentleman from New York for just a moment.

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

Mr. Chairman, All I am saying is that I share the same feelings about this person who is a dictator, and I hope that that would be understood. I have more feeling that this country has more power than any Communist, whether they were in China, whether they are in the Soviet Union, wherever they are, I have confidence in my Government.

When the President of the United States says that this is not in our national interests, when our Secretary of State says this is not in our national interest, as an American, the gentleman from Indiana [Mr. BURTON] said, one President at a time, and that is my only point.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I might just say that I believe we are going to find that the President may have a position and the Secretary of State may have a position, but I will submit that tomorrow probably 300 Members of this body will have a different position, because we studied the issue and we want that man out of power.

This is going to pass overwhelmingly, because the people of this hemisphere and the people of this country want freedom, democracy and human rights for the people who have suffered over 30 years in Cuba.

Mr. RANGEL. Mr. Chairman, if the gentleman would yield, this will never become law in this country, and the gentleman knows it. It is going to be vetoed and will not be overridden. The gentleman knows and I know that this is theatrics, and it will never become law.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I will say that I do not believe that. I believe it will become law and we will just see.

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

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

Mr. Chairman, I rise in strong support of H.R. 927 and urge its passage.

The cold war was worth fighting. The cold war was worth the cost, and we won. But one of the last outposts of the evil empire still remains only 90 miles south of us, and we cannot forget that. Cuba is still Communist, Cuba is still totalitarian, and Fidel Castro still scorns the principles of freedom and democracy.

The men, women, and children of Cuba continue to suffer as a result of a tyrant who is utterly insensitive to the rights and the lives of his own people. Now, after 36 years, we are finally in a position to put an end to Castro's vicious regime. Now of all times is not the time to dither or to duck.

For the sake of democracy and for the sake of so many people whose lives have been torn asunder by a reprehensible dictatorship, I urge my colleagues to support the Libertad Act.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I am grateful to my colleague, Mr. HAMILTON, for this opportunity to explain why the passage of Mr. BURTON's legislation, would be, in my opinion, not only a grave policy mistake by this body, but, would set in motion actions which would deliberately inflict upon the Cuban people suffering and deprivation. At worst, this legislation is a cruel attempt by Members in both bodies—who are still fighting the cold war—to provoke civil disorder in Cuba. Today we need to send a wake-up call to those cold warriors in our midst—the cold war has ended. We won—remember.

What threat does the Government of Cuba present to the territory or people of the United States which would justify unleashing further pain and suffering and, I would warn, possible bloodshed, among the people of Cuba.

The United States is the only world superpower. Our military might dwarfs that of the combined armies and navies of Europe and certainly of the Americas. We maintain an armed, military presence, on the Island of Cuba—how many of you appreciate this reality.

This country maintains an armed, military base on Cuba's southern coast. The U.S. controls 45 square miles of southern Cuba, including a harbor, naval docking and ship repair facilities ordinance, supplies and administrative facilities—we even have two water distillation plants. This U.S. military base includes both a naval and an air station. Over all—the United States military has a base right inside of Cuba which is three-quarters the total land area of the District of Columbia. One of the stated military mission for our base in Cuba is to serve as beachhead in case the United States decides to invade the Island. It costs the American taxpayer over $45 million a year to maintain this military base.

Now, it looks to me like the military threat is reversed—it appears to me that this island presents no military or strategic threat to the territory of the U.S. Why then are we considering legislation which appears to some to be designed to make economic and social conditions in Cuba so difficult for the average citizens, that these difficulties would create civic disorder, which would then provoke the Castro government to take measures against its population, which will result in increased violence and disorder on the island, which will be used as a pretext for United States military intervention.

At best, this legislation will have no effect upon the Cuban Government's hold on power, but will reveal to the international community the mindset of United States elected officials—who are so trapped, by old ways of thinking and by false pride, that they would act against a foreign government which poses no threat or danger to the national security of the United States of America. Now, Cuba has always been a peculiarly emotional issue in United States foreign policy. Past United States interests with regard to Cuba were of a security nature and had more to do with Washington's global rivalry with Moscow than with Cuba itself. In the early sixties, United States officials maintained that it was not the socialist nature of Cuba's system which drove United States opposition rather it was our Government's concern with Cuba's interventionist foreign policy and its military ties to the former Soviet Union.

The Carter administration added to this list, its demands that Cuba demonstrate greater respect for human rights.

As recently as 5 years ago United States barriers to improved relationships with Cuba were still conditioned by Cuba's commitment to the export of armed revolution and its close military ties to the Soviet Union. For 33 years the primary United States policy initiative responding to our criticisms of Cuba's foreign policy has been to maintain an economic embargo against Cuba. In one form or another this United States economic embargo against Cuba has been the policy of the last nine United States Presidents.

Since H.R. 927 is designated to tighten the economic blockade against the Cuban people, it behooves those who would agree to such action to examine more closely the history of our current embargo and to know in detail the outcomes of tightening this economic noose which is around Cuba.

The Burton bill proposes to tighten this embargo and to reinforce sanctions against our allies to stop trading with Cuba.

I feel that we ought to be able to examine now whether this past embargo has furthered U.S. policy goals. In terms of the stated U.S. security concerns we observe the following: Cuban troops are out of Africa; Cuba is no longer supporting revolutionary movements; and its military ties to Russia are virtually nonexistent—and certainly, not a threat to the United States.

So, if the intent of our embargo was to guarantee certain U.S. security interests, and if these concerns have been met, why are we now proposing to tightened the effects of our 33-year-old embargo, and ironically, provide Fidel Castro with fresh reasons for showing how his nation's economic problems are not his fault? I would maintain that United States policy interests toward Cuba are no longer based upon United States security issues, but rather are attempts to effect internal changes in Cuba. If the United States is now seeking internal political and economic changes in Cuba, does the Burton bill serve these ends? Certainly, 33 years of economic embargo have not toppled the Castro regime; there has

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been a renovation of the top political leadership; the government appears to have been able to impose severe economic restrictions because most Cubans, despite the hardships, have adjusted successfully; the state's security forces remain loyal and effective; compensation for United States property seized has not been reached; Cuba has not been isolated internationally; and the United States embargo—particularly the enactment of the Cuban Democracy Act of 1992, gave Cuban leaders a vehicle for mobilizing patriotic support to elicit the sacrifice necessary to make the economic adjustment. And, as I mentioned earlier, this act provided the Cuban Government with a target for blaming the United States Government as a cause of Cuba's many calamities. For a moment, let us suppose that the U.S. trade embargo were to be lifted tomorrow in its entirety.

What would be the effect on Cuba's economy in the short run? It is quite probable that not much would happen immediately to the Cuban economy: Cuba could not import more goods because it lacks the foreign exchange to pay for them. Cuba's principal product sugar, is over-supplied worldwide and is traded internationally at low prices in a residual market. The major impact of removing the embargo would be political: the Cuban government would be held responsible for the nation's economic problems. It seems to me that the United States' trade embargo policy is assisting the continuation of the Castro government—and the miseries of its people. I trust that others will speak to the suffering which has been visited on the Cuban people by our outdated trade embargo. I maintain that it is time for a new vision in United States policy toward Cuba.

As part of this ''new vision'' I would make the following suggestions: the Clinton administration should define United States interest in Cuba in simple and clear terms. Washington should consult with our democratic Latin American allies in shaping our own policy toward Cuba. Our policy should include the following elements:

To foster a respect for human rights and a transition to pluralized democracy;

To make clear that the United States has no intention of invading Cuba and to condemn violent actions by exile groups;

To facilitate the flow of international information into Cuba: This should include continuing the facilitation of telephone communications between our two countries; facilitate direct mail, cultural and academic exchanges, establish news bureaus, travel by United States citizens to Cuba;

In order to make credible United States claims that our objection is to Cuba's government, and not to hurt its people, the Untied States should indicate its readiness to remove aspect of the embargo if Cuba opens up its politics in specified ways.

In this way, the United States will signal its desire to respond to changes that the Cuban government chooses to adopt on its own; and

To remove all punitive measures from the Cuban Democracy Act which interfere with the normal exerciser of sovereign jurisdiction in other countries. Our economic relationships with Canada, Mexico and the European Community are of vital importance, and outweigh any remaining objectives the United States may have toward Cuba.

Furthermore, United States-Cuban policy provides a window of doubt for other governments to question United States ability to provide creative leadership in the post cold war world.

By adopting H.R. 927 the United States will violate international law and treaties, that we have signed, ratified, and promised to uphold. Furthermore, if adopted, this legislation would cause serious problems in our relations with our closest friends and trading partners. This bill would hurt U.S. business interests abroad. Our courts would become tied up with thousands of non-dismissable lawsuits, and, this bill will not advance democracy in Cuba.

This bill is a credit to bullies and dictators—not a democratic people, who are confident of their might and economic and political system. Indeed, this bill isolates the United States—provides ammunition to those who maintain that United States foreign policy is being made through campaign contributions, and that the United States has lost it belief in itself and in the inevitability of a peaceful transition to democracy in Cuba.

The Burton bill does not convey honor to this institution, nor to the American people. It is a mean spirited, vengeful, politically motivated measure which may in fact, itself, pose a danger to United States national interests in Cuba. For if this act is passed and if the misery and hardships which it is designed to create in Cuba, comes to pass then the prospects of prolonged violence could provoke mass migration and, even, United States military action.

This is the wrong bill, sending the wrong message, at the wrong time. Surely, a country which holds its democratic practices and traditions so high, would not stoop so low as to provoke economic and social hardships against innocent citizens of an independent republic.

Once again, old men and women with old ideas, are trying to force old, and bankrupt solutions. Why not trust the process of openness and of democracy. Let us reduce the hostility in United States-Cuban relations, let us encourage private markets the rule of law and independent organizations and let us promote pragmatic exchange between the United States and the Government of Cuba.

I urge you to return this outdated and poorly constructed bill to the dust bin of history. In name of integrity and honor, I urge the defeat of this bad bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], my good friend and colleague.

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

Mr. GOSS. Mr. Chairman, I rise in support of H.R. 927, legislation that refocuses attention on the root of the problem in Cuba—Fidel Castro. His willingness to use his people as a leverage point, by deliberately manufacturing refugee crises, has been his greatest weapon. He has done a much better job of using this weapon than we have using ours—the embargo. But today Fidel Castro's regime is struggling to collect the hard currency it needs to survive. H.R. 927 ups the economic pressure on Castro by cutting off the currency supply line, in particular by sanctioning foreign investors willfully trafficking in the confiscated property of American citizens. The bill goes further to address some of gaps left by the 1992 Cuban Democracy Act regarding U.S. policy for the transition period after Fidel Castro's departure and before democratic elections. It is time for America to stand its ground and it is time for Castro to go—only then will we be able to re-embrace the closest of our hemispheric neighbors. I look forward to that. And that is what H.R. 927 is about. I urge my colleagues to join me in supporting it.

Mr. TORRICELLI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ], one of the architects of this legislation, and one of the most important voices in this Congress on Cuban-American affairs.

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

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

Mr. Chairman, I came with prepared remarks, but let me just say, I understand the fire of this institution. I understand debate, but I do not understand the comments of some of my colleagues. I would wonder how my colleague, the gentleman from New York [Mr. SERRANO] or the gentleman from California [Mr. TORRES] who spoke before would feel if he heard, as we heard from one of our colleagues from Florida, that there are too many Cubans, you have to shut it down.

That is a hell of a statement. I appreciate the gentleman's kind words towards me, but that does not wipe that statement clean.

They have come to this country and contributed, they have worked hard, they have played by the rules, they have helped build up cities, and they have suffered. I do not understand that comment.

I do not understand the comments of the gentleman from Colorado [Mr. SKAGGS] about the special narrow interest groups. Over 300 Members of this House voted for the rule, over 72 Democratic Members, nearly one-third of the

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Democratic Caucus voted for a rule. Is that a narrow interest?

Why is it that when we talk about Cuban Americans it is a narrow interest? Was NAFTA a narrow interest for Mexican-Americans? Was the issue of Israel a narrow interest for those who are Americans of Jewish descent? No, we accept that.

I keep hearing that we violate NAFTA and GATT. This bill does not have anything to do what that. It did maybe with the sugar provisions. Those are out. Where is NAFTA and GATT involved here? I know that is an intent to lure the free traders away, but that is not in here.

I heard the gentleman from Virginia [Mr. MORAN], a colleague, upset me again. He paints with a broad brush. He said, the people who are about this, who support this are about elitism and greed. Well, I will have the gentleman know that my family was poor in Cuba and it was poor when it came to the United States. No one in my family graduated from college until I went to school here in the United States, and I resent those remarks.

The gentleman may have a divergence of view on policy, but the gentleman has no right to paint a group of people in such a manner, no right.

I listened to the gentleman from New York [Mr. RANGEL] who I respect at least in the context that he finally called Fidel Castro what he is, a dictator, which too many people who come here make believe that the United States are the bad guys. What about the dictatorship?

The one thing I have that none of the people who have spoken here, except for my colleagues, the gentleman from Florida [Mr. DIAZ-BALART] and the gentlewoman from Florida (Ms. ROS-LEHTINEN) have, is family in Cuba. Everybody else talks about it abstractly. Everybody else talks about it in the context that we are creating suffering and oppression of people in Cuba.

The only person who is doing that is Fidel Castro. And I say that as someone who has family there. No one else who spoke before, other than the people I have mentioned, can say that. And they still suffer. But they do not suffer because of what I do in the United States Congress. They suffer because of a person that has chosen a course of action that keeps them oppressed, not only from political liberties, but from economic reforms that would make their lives better.

□ 2145

I rarely talk about my family in these debates because I do not need them to suffer any more as a result of what I do here in this House, but my efforts are not to hurt my family. They are to try to liberate them, and I am upset to hear, upset to hear that what we seek is pain and bloodshed. The only blood that can be spilt in Cuba is the arms of Fidel Castro. He has the guns, he has the army, he has the security forces, and only he can turn those arms against the people of Cuba.

Mr. Chairman, let's talk about him. I understand differences in opinions as to how we proceed, but I do not accept the comments of some of my colleagues who say that there are too many Cubans here, that is why we have got to shut down the door. I do not accept the comments of some of my colleagues who call this a narrow interest of view when we have such a wide range of support. I do not accept those comments.

Mr. Chairman, I start with a very basic premise. It has always been, and I believe always will be, in the national interest of the United States to promote a change to peaceful and ultimately democratic change in Cuba. It is in our national interest. I speak as an American when I say it is in our national interest because Cuba has the third largest army in the entire Western Hemisphere under the command of a dictatorship. It is in our national interest because Castro seeks to finish a nuclear power plant 90 miles away from the United States of a Chernobyl type. We do not need another Chernobyl 90 miles away from the United States. It is in our national interest because Castro continues to violate the human rights of his people through political repression, incarceration, and yes, firing squads, and it is this political repression and the lack of economic reform that causes Cubans to flee their homeland that my colleague from Florida so much cares about and seek refuge in the United States.

Mr. Chairman, opponents of this bill would have us believe that it is the United States that is the villain, not Castro. And yet, we all agree that it is Castro who denies his people the right to free and democratic elections. It is Castro who permits the continuation of human rights abuses, and it is Castro who could end the suffering of the Cuban people tomorrow if he chose to.

Mr. Chairman, yesterday during the debate in the Committee on Rules, one member suggested that by ignoring Castro, we have heard that on the floor today, perhaps it would resolve itself, that perhaps absent U.S. attention, Castro would change his ways.

Mr. Chairman, Fidel Castro could change this instant. He can call elections today. He could allow alternative political parties to form today. He could release Cuba's political prisoners today. He could make substantive economic and market reforms that would help the Cuban people. Forget about anybody else. Help the Cuban people put more food on Cuban tables. Fidel Castro could make this bill irrelevant today, but instead, he chooses tyranny as his form of government, a choice he could easily reverse.

Mr. Chairman, with this in mind, nearly two years ago I suggested that we develop a proactive policy towards the Cuban people, that we prepare today for a change in Cuba tomorrow, that we combine our principled and firm opposition to Cuba's oppressors with a beacon of light to the Cuban people to say clearly to them, we are in solidarity with you, we want to help you, but we do not want to assist those who deprive you of your basic rights.

So I introduced with broad bipartisan support the Free and Independent Cuba Assistance Act, which is incorporated under Title II. It is not about pain and bloodshed. It is about assisting the Cuban people, sending out a blueprint from the United States of assistance to a government in transition, and ultimately, a government that is democratically elected, and it says to the Cuban people, here is how we want to help, and for the first time in foreign policy, it is proactive.

Finally, the second part of the bill really deals with the right of American citizens and the right of American companies to be able to sue in our courts for their confiscated properties illegally confiscated in Cuba. If my colleagues want to stand up for American citizens, if my colleagues want to stand up for American companies simply to have a right to go to court and sue some foreign company that wants to buy those properties that were illegally confiscated from Cuba, my colleagues will support this bill. No matter how much hocus-pocus we have here, no matter how much clouding of the issue we want to make it, that is the basic line. Help the people in Cuba, blueprint for a transition, the ability to sue so that they can therefore make sure that their confiscated properties do not become the illegal fruits of Fidel Castro.

Mr. HAMILTON. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. SERRANO].

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

Mr. SERRANO. Mr. Chairman, let me first preface my comments by saying that the beauty of democracy is the ability to disagree. For me, the pain of democracy tonight is to have to disagree with colleagues of mine from the Cuban-American community who have a special emotional involvement in this issue.

I come tonight not only as a person who was born an American citizen, but with a special feeling in my heart for having been born in an American city in the island of Puerto Rico, for those two islands, Cuba and Puerto Rico, hold historical and cultural bonds that some people in this body may just not understand. If the people in Cuba hurt, then I hurt, and I wonder how much of their pain is caused by us, not by their leadership.

So I think it is important for us to be honest with ourselves, at least in private if we do not say it out loud. This is not about democracy. It cannot be about democracy. Our country at this moment in its foreign policy statements has no moral grounds to say that this issue is about democracy, not when we are dealing with China and Vietnam and with Korea and with other countries, not when we see elections in the Caribbean, democratic

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elections that are very questionable in terms of how they were conducted and we look the other way.

Mr. Chairman, what this is about, in my opinion, is, in fact, a response to a well organized lobby in two parts of our country, in Florida and in New Jersey, which has taken their emotions and their ability to lobby well and made a lot of people feel that this is the kind of legislation we need. As much as I oppose the law of the gentleman from New Jersey [Mr. TORRICELLI], we could say there is this law already on the books, why do we need this, as the gentleman from New Jersey [Mr. TORRICELLI] said tonight, admitting that his law does not work. I have done that in the past. It is not an easy thing to admit.

What this is about is a group of people in this country, Members of Congress, who kneejerk immediately to the thought of getting to this quote, unquote, last communist left. How do we do it? By squeezing the Cuban people. If we squeeze them to a point where they are hungry on the streets, they will rise up against their government.

Mr. Chairman, I am not a scholar in world history, but I do not remember the last revolution led by hungry people. I do not remember the last revolution led and put together by people who cannot feed their family. It is usually the middle class and the upper class that leads these revolutions.

What do we do? We lie. We lie to ourselves because we say that the Cuban people support the embargo. Let me see if I get this straight. A mother in Cuba who does not know where she is going to feed and how she is going to feed her children tomorrow calls her sister in Miami. Her sister interrupts her dinner, pushes aside a plate of white rice or black beans, fried plantains, and a Coca-Cola, not to mention a little pork or beef and says, ''Yes, what do you want, my dear?'' She says, ''Listen, I don't know how I am going to feed my children tomorrow, but I want you to support the embargo so I can get this guy off my back.''

Are mothers in Cuba different from mothers throughout the world? Would a mother do that to her children? Give me a break. It is people here who support the embargo because the embargo will bring about a crisis in Cuba eventually they hope which will allow them to move in and play a role in a new Cuba, for if we lift the embargo and negotiate with the Cuban Government, there will be a transition because Cuba already is on a road that will never turn away from where it is going now.

Mr. Chairman, do we know what will happen? The new Cuban Government will be composed of people who live in Cuba now, and that is bad news for people who want to go back to Cuba, not to visit relatives, but to run the government.

Let me say what I think is happening here and this is what I am afraid of. We in our profession like to make the predications and be right. I make this predication and I pray to God that I am wrong. We will squeeze the Cuban people more and there will be a crisis in Cuba, and it will become an immigration crisis for us, and that is when we really react negatively toward Cubans because we do not want any more Cubans in this country. We are anti-immigrants all of a sudden. So we will have to blockage Cuba and someone will fire a shot somewhere and we will be there the way we always know how to be with troops.

Mr. Chairman, the lawsuits allowing people who were not citizens at the time that their property was dealt with to now sue, the whole idea of telling a CEO from a foreign corporation, if you are dealing in Cuba with these properties, your children and you, your relatives, cannot enter this country, not even for a kidney transplant, what the heck are we talking about here?

Mr. Chairman, there are children in Cuba tonight who are on the road to more suffering. Can we be proud of that? Can we be proud of that? I started to say where I came from. A great poet once wrote that Cuba and Puerto Rico are of one bird; it is two wings. Both hurt in different ways. One is a colony and one with much pain. I would like it to end. It can end if we get off this machismo trip we are on, stop our obsession with one individual and deal with the Cuban people for the human beings they are.

Mr. Chairman, I rise in opposition to H.R. 927, the Cuban Liberty and Democratic Solidarity Act. This is an extreme bill that continues and strengthens diplomatic policies that have never been successful, and introduces troubling new policies that will adversely affect U.S. businesses, the court system in the United States, damage our relations with our closest allies, and, most important, increase the suffering of the Cuban people.

The existing Cuban embargo has not resulted in any change in Cuba's Government. The imposition of even stricter sanctions against Cuba would only exacerbate the already critical economic situation in Cuba and cause even more hardship to the real victims of this embargo, the Cuban people.

Cuba does not pose a threat to our democratic government, and the United States Government should not pursue the policy, contained in this legislation, which would serve to further increase Cuba's isolation. We should instead have the courage to develop and expand a constructive relationship with Cuba.

The existing Cuban embargo and current United States policy toward Cuba does not have the support of the world community. This support is vital for a successful foreign policy. H.R. 927 would even further damage our relationships with our allies, and violate the North American Free-Trade Agreement.

Passage of this legislation would have a very negative impact on the court system in the United States. This bill would allow any United States citizen, or any company organized under United States law, whose property was expropriated by the Cuban Government, to sue Cuba or any foreign business that is using the property today. The result will probably be the filing of thousands—maybe even hundreds of thousands—of lawsuits in U.S. courts. If the estimate of $4,500 in administrative costs per case (as provided by the Administrative Office of the U.S. Courts) is correct, the resulting cost to the U.S. court system and the taxpayers of the United States is tremendous.

Finally, the current trade embargo is already harming businesses in the United States. American businesses are banned from doing business in Cuba, and this has meant that European and Latin American investors are able to enjoy new business opportunities without any competition from United States business interests.

It is ironic that countries well known for their human rights violations are our trade partners. We have opened the doors of commerce with Vietnam and North Korea, and yet we continue to follow a policy that has no moral grounds and damages the national interests of the United States with respect to Cuba. I would urge my colleagues to vote against H.R. 927, a bill that moves U.S. foreign policy even further in the wrong direction. We should instead take the first steps in the path of bringing economic recovery to our neighbor, and building a productive and peaceful relationship.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, first of all, let me just say, we are the largest donator of food to the people of Cuba. I hope my colleague will hear that. We do not prohibit food or humanitarian assistance to go to Cuba. It is going down there every day. In fact, the gentleman from Florida [Mr. DIAZ-BALART] has helped organize getting food into Cuba so that lady we are talking about whose child is going to be starving and all that sort of thing will not be as a result of the people of the United States because we are the largest donator of food in Cuba.

It was also said that there might be somebody who would have a child who would need a kidney transplant who could not come to this country because we would not allow them to have a visa because their parents were trafficking in confiscated U.S. property. That is untrue because there is a presidential waiver provision in this bill. The Secretary of State and our embassies can waive that provision for any humanitarian purpose. They can do it on a case-by-case basis.

Mr. Chairman, those two arguments are like a sieve. They do not hold water.

Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I rise tonight in support of this act. I think that we have heard a lot of discussion tonight, different opinions on, for instance, what is in the strategic best interest of our country and I think we would all agree that having a totalitarian regime with the third largest Army in the Western Hemisphere 90 miles from our coast is not a good idea.

Mr. Chairman, we have talked about what is it that will lead toward peaceful transition, away from Castro, and toward a democratically elected government. We have had discussion on

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what is it that will actually end Castro's control, his lock-neck control of Cuba, a control so tight that Amnesty International has rated him on the top of the charts in terms of nonhumanitarian work toward other humans, but I would like to suggest that in all these different options that we have heard tonight, maybe the real answer that is never suggested on the floor of the House is that maybe we do not know. Maybe we do not know.

I had the good fortune of actually visiting with refugees with the gentleman from Indiana [Mr. BURTON] and others 5 months ago, and in that visit we had conversations with refugees who said the way to solve the Castro problem is not by sending more tourists that will lead to replenishment of his bank accounts, not by sending him more plant and equipment which will lead toward greater industry, which will replenish his bank accounts, not by allowing him to sell off pieces of the island of Cuba which will lead toward him being able to replenish his bank accounts.

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Instead, the only way that you solve the Castro problem is by tightening the noose.

These were people who had risked their lives and left behind all possessions that they owned for one simple thought, and that is the idea of freedom. Yet these were the people saying it is my cousin, my aunt, my uncle who will be the one hurt the worst as you tighten the noose, but do it because it is the only way to solve the problem.

With that, I would simply like to say that if the people most affected by the decision that we are contemplating say this is the way to solve the problem, then maybe in this case they are the ones that know the answer.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

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

Mr. Chairman, there has been a lot of heartfelt discussion, debate tonight, and I do not think that either side should question anybody's motives. Let me just say that I supported the embargo against apartheid, racist South Africa. I support the embargo against the Serbian regime. I support the embargo against Saddam Hussein in Iraq, an embargo in Iran, and I support the embargo against Castro's Cuba because I think that embargoes have been and can be effective tools in bringing down governments.

Castro has been in power a long, long time. Here it is 35 years later. He shows no signs of change, no signs of instituting political pluralism, no signs of instituting democracy. Why would we want to prop up an aging dictator in his waning years? I am opposed to dictatorships. Frankly, I do not care if they are right-wing or left-wing. If they do not give people the ability to express themselves politically, if they do not have a free-market economy, if they do not have a semblance of political pluralism, I do not want to apologize for them.

This bill attempts to deny Castro foreign capital. Is it a perfect bill? I have not seen any perfect legislation in the 7 years that I have been here, but it is an attempt to deny him the capital to help bring down his regime. Will it work? Time will tell. But I think this country ought to be on the side of trying to bring down his regime. I think this bill takes a step in that direction.

Here it is 1995. Castro brings people to the island and he shows them around and tells people how wonderful it is. But the fact of the matter is he is dealing much the same way he dealt throughout the 1960's and 1970's and 1980's. At a time when other countries have thrown off the yoke of oppression, Castro still has a noose around his people's neck.

Some people will argue that the American embargo has not worked all these years, so why would a tighter, more difficult embargo work now? The fact is that for years Castro had the Soviet Union prop him up and infuse capital into his country. The Soviet Union is gone now. There is no one to prop him up anymore. He is exposed for the world to see, and he is hurting.

I think that is what makes the difference. I think that is what will lead to the toppling of his regime. I think this act is something that ought to be voted upon. I think that Castro has to go. Why does he not just go and let his people have democracy and then there would be no need for this kind of bill? He will not do it because he cares about his regime. He cares about outdated ideas. The poor Cuban people have to suffer as a result.

I think we should have a bipartisan vote for this bill, and I support it.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I do not think there is a finer group of Members of this House than those who are in the room tonight and I include in that our adversaries in this debate.

I am opposed to this bill. I do think it is fair, however, for me to respond to a couple of things that have been said by the gentleman from New Jersey [Mr. MENENDEZ], the gentleman from Indiana [Mr. BURTON] and perhaps others, along the lines of the fact that somehow those of us that believe this bill is a mistake are trying to assert that somehow the United States has been the villain. No one has said that and no one believes that. We all are here to try to achieve the same purpose. Nor does anyone want to prop up any dictator anyplace. And I think in your hearts you know that is the case.

What we are saying is that perhaps the United States has followed the wrong policy for a very long time and that perhaps those of you who, in a heartfelt and sincere way, advocate this bill and have advocated other politics, frankly, which I have voted for in the past, perhaps are blinded by your deep-seated feelings to the fact that the policy which you have advocated has simply not worked.

The question tonight is whether we are going to act in the interest of the people of the United States, in the interest of this Nation as a whole, or whether we are going to continue to ignore common sense and history and the wisdom of the entire rest of the world that opposes this bill and our policy, and pass a bill that at bottom caters to the deep-seated sentiments of some of the people in our country and to the political dynamics of South Florida and New Jersey.

That is really what the question tonight is. It was not legislation like this that freed the people of the Soviet Union and Eastern Europe, nor was it an embargo that freed them. It was, rather, the inability of those governments to isolate their people from the cultural, commercial and political influences of the West. They could not close it out.

Yet what do they bring to us tonight? A bill which would further isolate the Cuban people from the political and economic culture of our country and the rest of the hemisphere and the rest of the world, exposure to which would hasten the end of tyranny in Cuba.

It makes no sense. It denies logic. It defies history. We have tried it your way for 30 years. What happened? Seeking to help people who were fleeing tyranny, we invited all Cubans who could get out to come to the United States and thereby drain the country of all of its natural opposition to the government that is there today.

Those people that have come here have been wonderful citizens, more productive than the average citizen. They have made great Members of Congress. We must recognize the fact that we have drained the island of its opposition.

What else did we do? We helped Casto convince its people that we were the villains, not his form of government, as ridiculous as that is, but he has managed to make the case. Why? Because we are the only nation in the entire world that pursues a policy like this toward Cuba, nobody else.

The gentleman from Indiana [Mr. BURTON], talked about South Africa, and I heard somebody mention the other embargoes that we have carried out in the past. We did that with the help of all the rest of the world. We have no help in this policy. The entire world is calling us and saying do not pass this legislation that is on the floor tonight. In spite of the failure of this policy, tonight you ask us to make our policy even more restrictive, to ignore the President, ignore the Secretary of State, ignore pleas from all the world's government and take another step in

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the wrong direction, the same direction we have been going without any success for 30 years.

This bill, simply put, is an orgy of illogical zealotry and individual political ambition all coming up at the same time. Who is going to pay for it? The kids in Cuba that would like to get a regular meal three times a day and cannot, the creative people there that would like to be somehow involved in our culture, to be more exposed to it, the budding entrepreneurs, and they are budding there if you read any of the authoritative reports, that would like to be involved in commerce with us. Having been made more prosperous, as the gentleman from New York, [Mr. SERRANO] said, would therefore be more influential and more able to speak for freedom and justice and openness in Cuba.

I urge the Members of the house to reject this backward step, to recognize where we have been, where we have made mistakes and not go even further in the wrong direction. Tonight is an opportunity to say no to a narrow interest and to speak for the American people.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume. Let me just say, briefly, Mr. Chairman, the embargo that everybody has been alluding to has been in place since the Cuban Democracy Act was passed several years ago by an overwhelming majority of this House. This does not have anything to do with the embargo. What this does is it puts pressure on people who traffic in confiscated U.S. property by denying them visas, No. 1, and by providing a cause of action in U.S. courts for restitution if they buy confiscated U.S. property or traffic in it. That is what this does. So when I keep hearing my colleagues keep talking about this being an expansion of the embargo, all we are doing is saying that people who had their property confiscated have a right, a cause of action, and that people who deal in confiscated property should not be allowed to make a profit by coming to the United States.

Mr. Chairman, I include for the RECORD the following articles from the Herald of September 20, 1995:

The articles referred to are as follows:

VIEWPOINTS ON UNITED STATES-CUBA RELATIONS—FIND A COMMON GROUND

The following is excerpted from a July letter to President Clinton from Oscar Arias, the Nobel Peace Prize laureate and former president of Costa Rica:

On June 26 I had the privilege of hearing your words at the commemoration of the 50th anniversary of the United Nations Charter in San Francisco. I congratulate you for your inspiring message. It is satisfying to hear the president of the most powerful nation in the world remind us that the signatories of the U.N. Charter thought that ''merely punishing the enemy was self-defeating.''

Encouraged by your words and actions, I write to discuss a topic that directly concerns all inhabitants of our continent: the relationship between the United States and Cuba. My immediate concern is the Cuban Liberty and Democratic Solidarity Act (Helms-Burton bill), which openly contradicts the principles so eloquently expressed in your speech in San Francisco.

I fervently hope that Congress will not pass such pernicious legislation. But, as unfortunate as that would be, I am confident that you will veto this bill.

This hope does not mean that I approve of the restrictions of liberty or the violations of human rights practiced by Fidel Castro's regime. Indeed, I have long been an outspoken critic of that regime. However, if ''merely punishing the enemy is self-defeating,'' to punish the people who are victims of this enemy is abominable.

There is no longer any moral or ideological justification for the U.S. embargo. The United States and Cuba should set pride aside. Both nations should look not to the past but toward the horizons of the future. The stronger of the two sides, the one with the least to lose by opening up, would gain greater moral strength through such a tremendous act of political courage.

The embargo has served the Cuban government as an excuse for its own political and economic failures. The Helms-Burton bill would strengthen the hands of Marxist hardliners in Cuba. Rather than promoting dialogue and encouraging change, strengthening the embargo will only freeze the United States and Cuba into fixed political positions, devoid of openness.

You have said that ''normalization and increased contact between Americans and Vietnamese will advance the cause of freedom in Vietnam just as it did in Eastern Europe and the former Soviet Union. The same principle applies to Cuba. And if the United States makes clear that it would not resort to any form of economic or military sanctions against Cuba, the international community will, without a doubt exert even stronger pressure upon Castro to initiate an opening of democracy on the island. I would personally work hard to achieve that.

Mr. President, I ask you to begin negotiating a new era of U.S.-Cuban relations. Only then can democracy begin to glimmer as a possibility in Cuba. Cuban leaders have already expressed their readiness to enter into immediate negotiation over common problems, such as immigration. Why not test whether this is true? Why not consider the possibility of successively opening topics such as the fight against drug trafficking, the protection of the environment, the problem of human rights violations, and above all, the political and economic transition of Cuban government and society?

LET US BEGIN ANEW

I invite you, then, Mr. President, to recall the words of President John F. Kennedy, in his inaugural speech of 1961: ''So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject of proof. Let us never negotiate out of fear. But let us never fear to negotiate.''

I am sure, Mr. President, that every effort you make to alleviate the tensions between the United States and Cuba, to ease the sufferings of the Cuban people, and to create the necessary conditions for a nonviolent transition toward democracy will be appreciated by present and future generations.

By ending the U.S. isolation of Cuba, you would gain the warm support and appreciation of every Latin American government. As you said in San Francisco: ''Let us say No to isolation.'' You have put aside bitterness and resentment toward Vietnam in order to move beyond a painful past. In the same spirit of that grand gesture the community of nations calls upon you to seek a common ground with the Cuban people.

TIGHTEN THE EMBARGO

(U.S. Rep. Dan Burton, R-Ill., is chairman of the House Foreign Affairs Committee's Western Hemisphere Subcommittee and House author of the Cuban Liberty and Democratic Solidarity Act of 1995.)

Today the House will debate the Cuban Liberty and Democratic Solidarity Act of 1995, also known as the Burton-Helms Bill. This bill will be an effective tool for promoting freedom and democracy in Cuba. It will be of great benefit not only to the people of Cuba but to the entire hemisphere.

After 36 years of dictatorial rule Fidel Castro shows absolutely no sign of having learned the lessons of history or of having changed at all. His motto is still: ''Socialism or Death!'' He is a megalomaniac who views himself as inseparable from Cuba's destiny. His legacy is a sorry one indeed. Before Castro's 1959 revolution, Cuba was, per capita, one of the wealthiest countries in Latin America. Today it is one of the poorest, a testimony to communism's abject failure.

The Castro strategy for achieving longevity is simple: Cling to power at all cost, and do whatever it takes to attract foreign currency. His regime has developed one of the world's most brutal, repressive, and efficient control systems. It seems capable of keeping him in control for now.

Nonetheless, as economic conditions continue to deteriorate, Castro is becoming increasingly desperate for foreign currency. Thus the Cuban regime is now encouraging massive foreign investment for the first time. Property and businesses, many confiscated in the early 1960s from American citizens, are being sold at bargain prices to Mexicans, Canadians, and Europeans.

Some pundits contend that massive investment, including and especially from the United States, is the way to bring about reform in Cuba. They point to Eastern Europe and say that an infusion of Western capital and influence in Cuba will be too much for Castro to withstand.

This argument is false. Castro is determined to control tightly any foreign investment in Cuba. The proof is in Cuba's tourist industry. Hotels and resorts are off limits to the Cuban people. Workers are approved and paid by the government. The foreign currency benefits the Castro regime, not the Cuban people.

The Burton-Helms Bill is a very important vehicle for advancing U.S. interests in Cuba:

It reaffirms the long-standing bipartisan U.S. policy toward Castro, including the embargo.

It expands and internationalizes the embargo.

It would penalize international financial institutions for extending credit to the Castro regime.

It sets up a program to assist a transitional government in Cuba moving toward democracy.

It allows U.S. citizens who owned property confiscated in Cuba to sue for damages any foreigners who buy or use the property. This will have a chilling effect on unscrupulous individuals or corporations who may be contemplating such a move. We also would like to see a reduction in foreign investment in Cuba, investment that only helps to perpetuate the Castro dictatorship.

WHY CASTRO OPPOSES BURTON-HELMS BILL

The Burton-Helms Bill will send a clear message to Castro, the international community, and most important, the Cuban people. By passing our bill, we will let Castro know that we are serious about pressing him to allow his people to choose their own destiny. We will also be communicating to our allies and to other countries who seek American cooperation that Cuba is a matter of the utmost priority for U.S. policy.

Since the Burton-Helms Bill was introduced earlier this year, the Castro regime has been busy distorting its intent and potential effect. Cuba's state-controlled media are attempting to scare the Cuban people into believing that our bill is inmical to their interests. Last spring I visited Guantanamo Bay and met there with many of the thousands of Cubans who escaped from Castro last year. They were unanimous in encouraging us to forge ahead.

We have reason to believe that the Cuban people are aware of our legislation and that the vast majority support its passage. It is precisely for the well-being and democratic future of the people of Cuba that we are determined to see to it that our bill becomes law. The Cuban people deserve it, and the American people should support it.

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

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

The CHAIRMAN. The gentleman from New Jersey [Mr. TORRICELLI] has 13½ minutes remaining.

Mr. TORRICELLI. Mr. Chairman, we are told tonight that Cuba represents no threat to the United States. She possesses few arms and perhaps no missiles. On the contrary, Mr. Chairman. Cuba represents a threat to things as old as this Nation itself, a threat to human freedom, the right to speak, to worship, to seek the consent of the governed.

We are told, Mr. Chairman, that the cold war is over, so indeed we have no conflict with Castro's Cuba. On the contrary, Mr. Chairman, America's fight for human decency, for the rights of the individual began 200 years before the cold war and will outlive the last memory of the Soviet Union.

Mr. Chairman, all we do in this Nation is not defined by the cold war. We did not fight apartheid in South Africa because of a cold war. We do not stand up to Libyan terrorism because of the cold war. We stand up for racial justice, for peace, for the consent of the governed because of who we are. We are told that America may stand alone in standing up to Castro's Cuba.

Mr. Chairman, America has never stood in better company. The French may seek their profits, the Canadians may want their investments. After the last hotel has been built, the last child of Cuba has been sent onto the streets of Havana to prostitute herself, the United States will be talking about freedom and elections and human rights if we are the last people on earth who will do it.

Three years ago in a proud moment in this institution, in the proudest moment of my career in this Congress, on a bipartisan basis, we passed the Cuban Democracy Act. Built on the experience of the embargo against South Africa and Haiti, Rhodesia, North Korea, we decided to take a stand that we would not have American corporations profit off the misery of the Cuban people, that we would take a moral stand to demand elections for the Cuban people.

□ 2215

It was the use of a legitimate and historic tool of international diplomacy, the most effective alternative to military confrontation, the economic embargo. Two hundred years old, and effective in every generation. This has been no exception.

Fidel Castro responded to the Cuban Democracy Act by taking confiscated property, stolen from American citizens and corporations and the Cuban people themselves, and selling it on the world market to buy time for his dictatorship. That is the problem before this House tonight, not the embargo.

That judgment was made 3 years ago. The very fact that Fidel Castro has had to respond by confiscating and selling property is the real proof of how effective the embargo was 36 months ago. But the practical problem before the Members of this institution is that Fidel Castro has taken the property of your constituents, our citizens, stolen it, and is selling it on the world market.

Now, I ask the Members, as representatives of the American people, what is it we intend to do about it? What is it we are going to do? Is this the right of a foreign Nation, to take our property and then sell it wholesale? We have never allowed that to happen before. Is that some special privilege we will give to the Cuban government?

The bill of the gentleman from Indiana [Mr. BURTON] is an answer to the question. We will give the right to sue in an American court to a citizen who has lost their property, not because they should not have the right legitimately, appropriately, to take that suit to a Cuban court. That is the real answer, that is the right answer, but Castro will not let them in the court. If he would, we would not be here tonight. So if Members oppose the answer of the gentleman from Indiana [Mr. BURTON], the real question is, they have no answer.

Then there is the ultimate practical question of them all. No matter what side of this debate they are on tonight, Members know this: We all agree Fidel Castro's days are numbered. The end of the dictatorship is coming.

What are we to do when it happens? Are Members all prepared to vote the taxpayers' money to compensate American citizens who have had their property stolen? Is that what is to happen? This is to become the burden of the American taxpayer?

The better answer is that of the gentleman from Indiana [Mr. BURTON]. Stop the confiscation and the sales now. Do not let the sales take place at all.

He achieves this by a very practical answer. Mexican, Canadian, British companies, they have a choice. They can profit by the theft of American corporate and personal property. They may make a few dollars, but they will not visit or do business in the United States. They must make their choice.

Is that fair? How would Members feel as an American citizen if they saw an advertisement for the products of a company that was theirs, that was stolen, and the product is being sold? How would they like to walk down the streets of New York and see a visiting Mexican businessman, visiting our country as our guest, and he is living in their house, operating their business?

This is not against the Cuban people themselves. We have exempted out personal residences. No Cuban family will lose their home or their farmland or their means of support.

It is against international corporations that would profit by the loss of our constituents.

Mr. Chairman, this bill is an answer, I believe in my heart, maybe the last answer. We are in the final stages of a confrontation that has lasted more than a generation. Fidel Castro cannot escape. He cannot survive unless we allow him to.

The answers to the real questions that were here tonight are not in our hands. The embargo can end. It can end tomorrow. One man can end it: Fidel Castro. Under our law, under the Cuban Democracy Act, it ends the day he declares a free and fair election. The power is in his hands, but only if we make him use it.

If he thinks there is division in this hall, disagreement in this Government, he will never face that ultimate choice. Make him face that day, to call that election.

My colleagues, tomorrow Democrats and Republicans, liberals and conservatives, north and south, can send an unmistakable message to every student in Cuba who wants to take to the street to demand freedom but is afraid, to every political prisoner who lives in the shadows of a Cuban jail and wants hope, to every patriot in Cuba who longs to take a stand, that they are not alone, that we are with them. The moment is coming and this Nation, which has stood for so many free people in so many struggles in so many lands, stands with them now.

I urge my colleagues to support the gentleman from Indiana [Mr. BURTON] tomorrow, not by a narrow margin, by an overwhelming margin, not with doubt but with enormous resolve, that we will in our time end this dictatorship and for the first time in the 400-year history of the founding of this continent see free governments in every land, in every Nation, in all the Americas.

That, my friends, is the judgment. I congratulate the gentleman from Indiana [Mr. BURTON] on his legislation. It is my great pride to be part of crafting this bill. I urge my colleagues to vote affirmatively tomorrow.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I rise today in opposition to this, I think, misguided bill.

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Mr. Chairman, the cold war is over. The Soviet Union is gone. Cuba is no longer a threat to our Nation's security. Yet the supporters of this bill would seek to keep us fighting a cold war battle.

Mr. Chairman, we already maintain a comprehensive trade and travel embargo on Cuba. What have been the effects of this embargo? It has caused 10 million people of Cuba to suffer from critical shortages of food and medicine. It has kept United States businesses shut out of expanding investment opportunities in Cuba while other countries take advantage of it. It has not led to any major changes in the leadership of Cuba. This bill would change none of that. But what H.R. 927 would do is try to force other countries to keep from trading with Cuba as well. Not only is this a violation of trade law but it also risks our good relations with some of our most important trading partners, including Canada, England, Italy, and Mexico.

I ask my colleagues, is it worth hurting our own economy and running the risk of an international trade war just to make Cubans suffer a little more?

Mr. Chairman, I just do not see the need for a bill which puts burdens on our own economic future to fight a war that ended years ago. Even supporters of the current embargo agree, this bill is the wrong way to bring about political change. Do not be afraid of our human potential and our ability to prevail by example, not by ridiculous avoidance. Let us begin the leadership we are capable of. Vote against this bill.

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

Mr. Chairman, I think we have had an excellent debate tonight. I want to say that I think we choose tomorrow between 2 very different philosophies in promoting change in Cuba.

One philosophy is represented by this bill. It is that if you make conditions in Cuba significantly worse, you will prompt the Cuban people to rise up against their government. I want to say that I respect deeply the motivation and the intent of those who favor this bill. They are very good and very honorable Members of this institution. They make their arguments with total sincerity and with obvious skill.

The competing philosophy is that governments can be toppled peacefully by exposure to the free flow of ideas and the benefits of the free markets.

There is no difference among us in this Chamber that Castro must go. All of the denunciations of Castro that we have heard tonight are correct. We all agree that Cuba will and must make the difficult transition to democracy and free markets, and that is the American national interest here, that that occur. The question is how to bring about that change without jeopardizing U.S. national interests.

I believe that the choice is very clear. A policy of engagement, of contact, of exchange, of dialogue with the Cuban people offers in my view the best hope for peaceful change. That is the policy, after all, that was successful in eastern Europe and helped to bring about the end of the Cold War. A policy of engagement means showing a new generation of Cubans how to make their world different. It means engaging the Cuban people and that that increases the chances that a transition to democracy and free markets will be peaceful.

I think the policy of isolation is a fair riskier course. The theory is the greater the pressure, the greater the likelihood of Castro's overthrow. But what happens when the lid blows? The policy of isolation increases the risks of violent explosion in Cuba. It increases the risk of a massive exodus of refugees, and it increases the risk of possible U.S. military intervention.

I reject a policy based on isolation and hardship for the Cuban people. I reject a policy that pins its hope for change in Cuba on the promotion of unrest and violence.

We have had a lot of debate here tonight, but I do not know that we have described what is in this bill. Let me try to do that briefly and I hope fairly.

First, it tightens the embargo on Cuba. It urges the President to apply existing sanctions against any country assisting Cuba. It requires the United States representative to vote against any loan for Cuba in the international financial institutions, such as the World Bank and the IMF.

Second, for those who lost property in Cuba, this legislation creates a special and an unprecedented right to sue in U.S. courts. The purpose of that provision is to discourage any foreign investment in Cuba.

Third, this law imposes new visa restrictions. It requires the Secretary of State to exclude from the United States any person who has had even a remote connection to property confiscated by the Castro regime, whether they are aware of the connection or not.

Finally, the most constructive portion of this bill as reported out of the committee, an assistance program to promote democracy in a post-Castro Cuba, has been eliminated.

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Now the bill says Congress will consider an aid plan, once Castro is gone. But it also sets conditions that are so stringent that it is unlikely an aid program would ever be approved in time to make a difference.

I think the bill damages U.S. interests in 3 ways: First, by increasing Cuba's isolation and hardship, this bill harms U.S. security. The bill states that the acts of the Castro government are a threat to international peace. That is not the assessment of the National Security Council.

What is the threat today? Castro is not exporting revolution. He has no Army, Navy or Air Force that can threaten the United States. According to General Sheehan, and he is the Commander-in-Chief of the Atlantic Command, the threat to the United States from Cuba today is from refugees.

Mr. Chairman, if we make conditions in Cuba more desperate, we increase the chances of another mass exodus of refugees to the United States. If we make conditions in Cuba more desperate, we risk prolonged violence and U.S. military intervention. Chaos in Cuba could mean young Americans and young Cubans meeting either other at gun point.

Second, this bill puts further isolation of Cuba above any other U.S. Government foreign policy goal. No other government in the world agrees with the stated policy of this bill, and without the support of other governments, that policy cannot succeed. In the course of increasing Cuba's isolation and seeking to force other countries to go along, this bill will damage our relations with our closest allies, friends, and trading partnerships in Europe, Japan, Canada, and Mexico.

This bill does violate NAFTA. NAFTA guarantees the free movement of business travelers throughout North America. This bill undermines world leadership at the World Bank and IMF by forcing the United States to withhold funds and dictating how the United States will vote.

Third, this bill creates an administrative and legal nightmare for the United States Government. The bill establishes an unenforceable standard for the exclusion of aliens. Every consular officer in the world will have to ask every visa applicant, ''Do you own property once confiscated in Cuba?'' Consular officers will be asked to make visa decisions in the absence of reliable information about property transactions in Cuba.

This bill will not ensure that property claims in Cuba are resolved fairly. There is an established procedure in place to handle expropriated property claims. It is called the Foreign Claims Settlement Commission, and it works. It worked in Vietnam, it worked in Iran, and when the United States has a Cuba with which it can negotiate, it will work there as well.

The claims commission examines the universe of possible claims and the universe of resources available for resolving those claims. This bill sets up an entirely new way of handling these disputes. It sends everyone to court. And keep in mind that a court looks only at the plaintiff and the defendant immediately before it. Under this bill, the only people with a chance of being helped are those who can afford to get to the courthouse first, or stay the longest.

Mr. Chairman, this bill makes it more difficult for the United States to negotiate a claims settlement with a transition government in Cuba. It makes it more difficult for the United States to look out for the interests of

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all Americans with property claims in Cuba.

I believe also that this bill is a litigation magnet. It invites anyone who has had property confiscated in Cuba over the past 30 years, whether a U.S. citizen or not, to incorporate and then to file a lawsuit in U.S. Federal courts.

Just this past winter when the House considered items from the Contract With America, it sought to limit the proliferation of lawsuits in this country. Now we are talking about mandating that Federal courts allow an entirely new, unprecedented right of action.

Having huge numbers of this kind of lawsuit pending will have a chilling effect on economic recovery when a transition in Cuba is underway. No one will invest in property for which there is no clear title. There will not be enough money available to resolve these lawsuits.

What impresses any observer of current relations between the United States and Cuba is that the two governments are at an impasse. They are dug in and neither is prepared to move.

Mr. Chairman, I do not expect any meaningful change from Castro. He continues to blame all of Cuba's problems on the embargo. He uses the embargo to justify repression, which we have had spelled out for us very well tonight, and to justify his resistance to change. But change is happening today all around Castro; change that he did not want, change that he cannot stop, and more change than at any time since he took power.

The beginnings of economic reform, forced by the end of the Soviet subsidies, has given a small but growing number of Cubans economic independence for the first time in 36 years. Mr. Chairman, 200,000 Cubans today are self-employed in restaurants, barbarshops, repair shops and other services. Small farmers and agricultural cooperatives are selling produce at market prices. Dollars are circulating legally.

The Catholic church is playing a larger role today in Cuban life. Small groups of Cuban citizens are gathering to discuss life after Castro. Signs of change in Cuba, modest changes to be sure, but they are beginning everywhere.

Mr. Chairman, the United States Government ought to be flexible and creative enough to respond to these changes, these signs of change in Cuba. We should have enough confidence in our Democratic values to take the initiative to cultivate and reinforce the process of change in Cuba.

Mr. Chairman, a key lever of U.S. policy should be the embargo of Cuba. I do not favor unilateral action to lift the embargo, but our willingness to ease the embargo, step by step in response to change in Cuba, is a powerful tool to foster and accelerate further change in the direction of reform.

We have another tools to foster change in Cuba. First, we can use that Cuban Democracy Act, sponsored by the gentleman from New Jersey [Mr. TORRICELLI], which I supported. Its provisions are designed to promote increased contact between the citizens of the United States and Cuba, including the free flow of information and the establishment of U.S. news bureaus in Cuba.

Second, we can spell out an assistance program to help bring about a transition in Cuba. We should authorize food, medicine, energy assistance for Cuba, and the same types of assistance we are providing to Eastern Europe and the former Soviet Union.

Insofar as I am concerned, I would advocate additional steps. The August 1994 limitations on remittances to Cuba were a step in the wrong direction. They should be lifted. The U.S. should promote, not curtail, people-to-people contacts between the United States and Cuban citizens by ending the travel ban. The United States should clear the way for the commercial sale of food and medicines in Cuba to help alleviate human suffering.

Mr. Chairman, I believe the issues in this debate are clear-cut. This bill increases the isolation of Cuba. I believe that is the wrong policy. The most important Republican foreign policy figure of his generation, President Richard Nixon, reached the same conclusion shortly before his death. He said, among other things, ''It is time to shift to central focus of our policies from hurting Cuba's government to helping its people.''

''Our best service,'' he writes, ''to the Cuban people now, would be to build pressure from within by actively stimulating Cuba's contacts with the free world. What has worked in China now has the best chance of working in Cuba.''

Still quoting him, ''This means we should drop the economic embargo and open the way to trade, investment, and economic interaction, while insisting that ideas and information be allowed to flow as freely as goods.''

I agree with former President Nixon. But he was not alone. Others opposed to further isolating Cuba include former Secretary of State Eagleburger, former National Security Advisor Brzezinski, William F. Buckley, Jr., and the editorial page of the Wall Street Journal. They also include Havana's Catholic bishops.

Mr. Chairman, I understand those who hate Castro. He has committed terrible acts over 36 years against the Cuban people. We all agree in this Chamber that Castro must go; the sooner the better. But we should not base our foreign policy on hatred of Castro. We should base our policy on what is best for the United States and what is best for the Cuban people. I think a policy based on punishing the Cuban people is not in the best interests of the United States.

Mr. Chairman, a policy of isolating Cuba over the past 36 years has failed to protect and promote United States interests in Cuba. Increasing that isolation and hardship, as this bill surely does, will only further harm the Cuban people and the American national interests. I think we should choose a different course. We should choose to engage the Cuban people in order to increase the chances for a peaceful transition to a democracy and a market economy.

Mr. Chairman, I also want to quote briefly from the letter from the Secretary of State. He recommends in a letter addressed to the Speaker, September 20, that the President veto the bill if it passes the Congress in its current form.

With respect to title II he says, ''We believe that H.R. 927 would actually damage prospects for a peaceful transition.'' And I am quoting his letter:

> We have consistently objected to the overly rigid list of more than a dozen ''requirements'' for determining when a transition or a Democratic government is in power. These inflexible standards for responding to what may be a rapidly evolving situation could leave the United States on the sidelines during a transition.

Quoting again, ''* * * the legislation fails to signal to the Cuban people that the United States is prepared to assist them once the inevitable to democracy in Cuba begins.'' The Secretary of State also says, with regard to the conditions in the bill, that they create a rigid conditioning of assistance that can have far-reaching consequences and may interfere with our ability to advance the national interests.

With respect to title III, he makes the argument, and I quote him, that is the title relating to property claims:

> While we are firmly committed to seeking the resolution of U.S. property claims by a future Cuban government, the right created by the bill to sue in U.S. courts persons who buy or invest in expropriated U.S. properties in Cuba is a misguided attempt to address this problem. Encumbering property in Cuba with litigation in U.S. courts is likely to impede our own efforts to negotiate a successful resolution of U.S.-citizen claims.

Mr. Chairman, he goes on to say, ''This stance would be hard to defend under international law.'' With respect to title III, he says that:

> Title III will ultimately prove harmful to U.S. business. First, it sets a precedent that, if followed by other country, would increase litigation risks for U.S. companies abroad. Second, it will create a barrier to participation by U.S. businesses in the Cuban market once the transition to democracy begins.

He concludes on title III and says, ''* * * the bill erects an enormous legal hurdle to participation by U.S. businesses in the rebuilding of a free and independent Cuba.''

With respect to title IV, the Secretary concludes that it, ''* * * will create enormous frictions with our allies and be both burdensome and difficult to administer.'' That is the title with respect to the visas.

Therefore, I urge my colleagues to defeat this bill when we vote tomorrow.

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

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Mr. BURTON of Indiana. Mr. Chairman, I want to thank the gentleman from New Jersey [Mr. MENDENDEZ], the gentleman from New Jersey [Mr. TORRICELLI], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from New Jersey [Mr. SMITH], the gentleman from Florida [Mr. DEUTSCH], the gentleman from New York [Mr. ENGEL], and especially, I thank the gentleman from New York [Mr. GILMAN], the chairman of the committee, for their very hard work in crafting a bill that I think will ultimately lead to the demise of the Castro regime in Cuba.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. DIAZ-BALART].

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Mr. DIAZ-BALART. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I wish to speak to a number of issues that have been brought out in the last minutes. A whole gamut of arguments have been leveled, have been produced to try to defeat this legislation.

Earlier in the evening we heard some simpler arguments. The distinguished ranking member of the Committee on International Relations has just, in his typically eloquent way, gone into depth, espousing the position of the Clinton administration that I know he shares with regard to this legislation, and I think he has done so very effectively.

There are a number of points that I think need to be rebutted that the distinguished gentleman brought out, because I take issue with them, and I think that it is important to attempt to set the record straight. I will be brief in attempting to do so.

For example, he stated that the bill would permit people to incorporate a legal entity, and then, based on the cause of action being created by this legislation, go into court and try to sue traffickers of American property. That is not correct. The American citizen, individual, or legal entity, would have to exist before the enactment, be a person, before the enactment of this legislation in order to take advantage of the cause of action.

Other things were stated, for example, with regard to the Foreign Claims Settlement Commission, which I think I need to make reference to, because again I take issue with what was said. The argument was made that this legislation in some way would hamper or interfere with the process of certified claims under the Foreign Claims Settlement Commission. That is not the case. That process remains untouched. Only those certified claims by the Foreign Claims Settlement Commission need to be represented by the U.S. Government.

The new cause of action created by this legislation will be private with regard to nonresidential property in Cuba, and will lie solely against the traffickers in stolen United States property, and will end upon the occurrence of free and fair elections in Cuba.

Now, the arguments that were made earlier, quite frankly, Mr. Chairman, were more difficult to remain calm upon hearing them, because some of them I think were very unfair. But, in a democracy, one respects all points of view, even the most differing points of view. I think it is important to the democratic process that debate be able to take place respectfully.

Again, we heard, even after the gentleman from New Jersey [Mr. MENENDEZ] spoke, the allegation that a somehow narrow interest has to do with this legislation, a narrow interest because Cuban-Americans support this legislation, despite the fact that we see speaking just a few minutes ago the gentleman from South Carolina [Mr. SANFORD], despite the fact that the sponsor, the gentleman [Mr. BURTON], is from Indiana. It is the narrow interest of Cuban-Americans.

So, as my dear colleague and friend, the gentleman from New Jersey [Mr. MENENDEZ] said, we do not hear that on this floor when Americans of Jewish descent or heritage speak about their very passionately held views on the Middle East, or when Irish-Americans speak about American policy with regard to Northern Ireland. We do not hear about that being a narrow interest.

But even after the gentleman from New Jersey [Mr. MENENDEZ] spoke, we again heard that here. But again, Mr. Chairman, we have learned not to take those points, those assertions personally, and, rather, try to stick to the legislation in this instance. We put up with and listen respectfully to statements, misstatements that are made or allegations that are unfair. We do so conscious of the fact that it is a privilege to serve in this body and to represent almost 600,000 constituents, and at the same time to dream of and fight for the freedom of 11 million people who, for 37 years, have been bound and gagged by a tyrant who refuses to grant them that elemental right to self-determination, which can only be exercised through free and fair elections.

We think and we pray for the oppressed people of Cuba, and we work for the day that they can be free, conscious, when we come here and we listen to unfair accusations, that when we compare that, the discomfort that unfair accusations can cause. When we compare that to, for example, what it means when the gentleman from Indiana [Mr. BURTON] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] earlier made reference to this letter that we received today from, I believe it is 47 or 49 leaders of the dissident movement from within Cuba supporting this legislation, when we compare discomfort that may be caused to us by unfair allegations with what it means for these people and their families to, on the record, send us this letter on this debate, obviously, with the full knowledge and expectation that this letter will be used in this debate to help let the American people know about what the feelings of the oppressed Cuban people are. They know very well that the Cuban tyrant personally is watching this debate.

They know that he has representatives here in the gallery watching this debate. Those poor petrified souls, they are probably more scared of the tyrant than anyone can conceive of, because they head of the intersection here was just fired because he was not able to prevent this legislation from coming to the floor, despite the express orders of the tyrant and the Clinton administration. And I say this with all respect.

All of the arguments that we have heard them advance are prompted very simply by one reality. They were threatened by Castro in the summer of 1994 with an immigration crisis. Castro felt that President Clinton would respond to the blackmail by sitting down at the negotiation table, and he was correct. Then when he saw that the party that I am honored to belong to won the elections in 1994, and he saw that we filed this legislation, and he saw that the possibility existed, despite the feeling of outrage expressed by our colleague, the gentleman from New York [Mr. RANGEL], that it will never become law, when the tyrant of Cuba sees that he has to fire his intersection chief and that this very well may become law, he again threatened the Clinton administration.

He said, you must veto this, or that immigration agreement that we sat down and negotiated, where I promised to become in effect a collaborator, Castro said of the United States, in holding back refugees because of the anti-immigrant feeling now in the United States. Oh, Castro said to Clinton, now again, if you do not stop this bill, I will abrogate the agreement and unleash, once again, immigration blackmail.

A little history, Mr. Chairman, I think would be helpful at this time with regard to democratic transitions. I wanted to say, by the way, in wrapping up that concept that I have hope that the President of the United States will reconsider this position and that this letter that was sent to us today by the Secretary of State will tell Mr. Castro that the superpower is the United States, and that moribund dictatorship is the Castro regime.

I am confident that the President will reconsider his position and do with the letter sent to us by Mr. Christopher today what I think is required of him, which is to reject that advice, and reject the blackmail and the threats of the Cuban tyrant.

I am confident that the President of the United States, really that any President of the United States representing the great people of this Nation, the only superpower remaining in the world, will reconsider and tell the Cuban tyrant what he has to be told.

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Now, as I stated, a little history with regard to democratic transitions would be helpful at this point, I think, Mr. Chairman. In every case where there has been a transition from a dictatorship in the last 40 years in the world to a democracy, it has been because, and I want to, if I may, speak separately about the Soviet Empire, because we have heard tonight that the Soviet Empire collapsed because of engagement.

I happen to believe that the Soviet Empire, as I think the gentleman from Indiana [Mr. BURTON] mentioned before, collapsed when two factors came into being. First, the dictator that happened to take power in the Soviet Union in 1985 thought that he could make communism effective and efficient, and came up with a concept of glasnost and perestroika, in other words, that communism somehow, with some sort of human face, in other words, that he could be a dictator, a Communist dictator without killing.

When we combine that with having run into Ronald Reagan, this Strategic Defense Initiative, and the fact that the Soviet Union tried to match the United States and remain a military superpower, the Soviet Union exploded like a balloon full of hot air. So that is with regard to the Soviet Empire. But let us look at the other democratic transitions.

The Dominican Republic, after 32 years, the dictator Trujillo was assassinated. The Organization of America States had imposed sanctions and was in the process of expelling the Dominican Republic. The new regime, faced with the international sanctions, let the exiled opposition movement return, the Dominican Revolutionary Party, and agreed to hold elections in 1962 in Spain. There the dictator was not assassinated, but his hand-picked successor was, and then he died of natural causes in 1975.

I lived in Spain in my high school years. I recall the isolationism that Franco was subjected to. At the beginning of his regime he was actually expelled from the United Nations. All Ambassadors were withdrawn, and he was never admitted back into the European Community. And to the very end of his days, Franco had to, even with foreign investments coming in, had to live with the reality of absolute diplomatic exclusion and by charter, the European Community, which was then called the Common Market, stated that only representative democracies would be admitted into that organization.

What happened? The dictator physically disappeared. The regime agreed to legalize political activity and to hold elections.

The Greece of the colonels in the 1960s and 1970s, again excluded from the mechanism of the European Community, and nobody would have dreamt to advocate constructive engagement or letting the Greece of the colonels back into the incipient European Community organizations.

The South Africa of the apartheid regime, this Congress and the world community imposed international sanctions, and we saw that there, voluntarily, the dictatorship agreed to hold free and fair elections.

The chief of Chile, Pinochet, the world community again continued to condemn time after time and isolate the regime. Could it have been conceived of that Pinochet would have been invited to any conference of Latin American leaders?

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That any Latin American or European or any other leaders would have invited him to the table to sit down and be treated by like a democratically elected President? No. That dictatorship voluntarily, like the South African dictatorship, agreed to a change.

Mr. Chairman, where have there not been democratic transitions, where constructive engagement has not been accompanied by even political sanctions? China and Vietnam that we hear about all the time. The advocates of engagement, who coincidentally happen to be those who led the fight for sanctions in South Africa, led the fight for sanctions in Haiti, led the fight for sanctions against Chile, but with regard to Castro's Cuba are seeking so-called engagement.

Mr. Chairman, the gentleman from Indiana [Mr. HAMILTON] said that policy is working in China. What I see working in China is that Mao Tse Tung died and the communist dictators are still in power and there is no pressure for a democratic transition because if you get all the investment and you don't get any of the political sanctions or economic sanctions, you can be there, call yourself what you want to call yourself. Franco called himself a Phalangist. The Chinese fascist thugs still call themselves, I believe they still call themselves Marxist-Leninists. They are thugs, they are dictators. They demonstrated in Tiananmen Square just a few years ago. So that is a little history that I think is important to realize.

Mr. Chairman, the Cuban people are bound and gagged. The Cuban people, as the gentleman from South Carolina [Mr. SANFORD] said when we went with the gentleman from Indiana [Mr. BURTON], the gentlewoman from Florida [Ms. ROS-LEHTINEN], and the gentleman from New Jersey [Mr. MENENDEZ], when we went to meet with the democratically elected representatives of the Cuban people who had arrived weeks before at Guantanamo, 30,000 of them were there and they had elected their leaders, one of the few elections, the only election that had taken place on Cuban soil in many, many years, they told us, as the gentleman from South Carolina [Mr. SANFORD] said, why can you not get the Spaniards and the rest of the Europeans and the Mexicans to stop trading and join in international sanctions?

Well, we may not be able to get them to show any ethics in the United Nations. I think, by the way, and this bill calls for, the President to seek an international embargo at the U.N. Security Council. The administration comes back and says, ''Well, even our unilateral embargo gets condemned.'' I had to hold my laughter when members of the National Security Council gave me that argument. I said, please do not tell me that when Mr. Aristide, in custody of the Secret Service in his Georgetown exile, votes to condemn American policy, that you are using much advocacy or really trying to convince Mr. Aristide not to condemn American policy in the General Assembly, and they could not answer it. Do not tell me that when you cannot get Mr. Balaguer of the Dominican Republic or the President of Guatemala or the President of Honduras to vote with the United States in the United Nations General Assembly that you are using a lot of political capital or advocacy. That is a farce.

Mr. Chairman, I think that every year the administration picks two or three countries not to condemn or embargo. That is my personal belief, no proof of it. But I think we could convince Guatemala and Honduras not to condemn us. I truly believe so, that our State Department could do that.

So the Cuban people, bound and gagged, for 37 years disarmed, one of the first things that Castro did was say when he arrived in Havana, the issue of racism was brought up, some people referred to him at that time as the great white hope. Another issue for discussion perhaps another day. He said, armas por que, arms for what? The people who had arms turned them over before they realized what kind of a totalitarian system this man was going to institute. They are unarmed, they are bound and gagged, they want the right to free elections. When we hear our colleagues say that we all support free elections, what are we willing to do about it?

What the American people are willing to do about it, number one, is tell our business community that they cannot trade and profit from the oppression of Castro, and now we are telling the international business community that if they want to go in there and purchase the property that used to belong to American citizens, nonresidential, Castro continues to lie about that, that then they will have consequences in this market.

The practical effect: Choose. Cooperate with the more abundant dictatorship or have access to the American market.

I think the American people are going to be proud of this bill. It is in the best traditions of the American people. The American people are the only people that helped the Cuban people in the 19th century after a hundred years of struggle when the Cubans were fighting against Spanish colonialism and the American people were proud of that chapter in American history.

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They are going to be proud of the fact that the Cuban people, when they get over this nightmare, they will be able to look in the eye each and every American citizen and say that you and each and every American citizen will be proud of the fact that their representatives followed a policy throughout this era that can make them proud. And that stands with the Cuban people, and on the issue of Cuba, the only people we have to be worried about standing with are the Cuban people.

Mrs. THURMAN. Mr. Chairman, Mr. Chairman, I rise in strong support of H.R. 927, a bill that will hasten the restoration of freedom to the people of Cuba.

The collapse of the Soviet Union ended the subsidies and trade benefits that have propped up Castro's regime. The end of these subsidies has highlighted Castro's inability to provide even basic necessities for the Cuban people.

In comparable circumstances in Eastern Europe, the United States sought political reform first and then expanded trade and eventually provided foreign assistance. Similarly, a policy of political and economic reform would provide the Cuban people an opportunity to regain the freedom they deserve.

Expanding commercial activity before real reforms occur, however, simply gives Castro an opportunity to obtain hard currency while continuing his policies of violating human rights and denying Cubans their personal liberties.

Mr. Chairman, Cuba is a unique case in American foreign policy. Policies that have worked in other parts of the world are not applicable in Cuba. Arguments that may have sounded proper when applied elsewhere ring hollow in Cuba.

As long as Castro rules Cuba, Florida will face the continued threat of massive illegal immigration. And Castro will rule as long as he receives hard currency that enables him to pay his minions. And Castro will continue to receive this money until we toughen our policies against those quick buck companies that are lining their pockets at the expense of the Cuban people.

I believe that this legislation will continue pressure on Castro while assuring the Cuban people that the United States will support a truly democratic Cuba in the future. Make no mistake about it—only a democratic Cuba that guarantees true freedom for all Cubans will remove from the people of my state the threat of more massive boatlifts of Cubans.

Mr. MARTINI. Mr. Chairman, I rise in strong support of H.R. 927 and congratulate Representatives ROS-LEHTINEN and DIAZ-BALART for their work on it.

I am convinced that each day that passes brings us one day closer to a free and democratic Cuba.

Such an isolated, repressive, and authoritarian regime cannot last much longer without its former patron, the Soviet Union.

Here in the United States and indeed in this House we witness every day the strong-willed determination that characterizes the Cuban people.

Such a people will not tolerate Castro's brutal and cowardly oppression if they see an opportunity to overthrow it.

In its place they will institute a democratic society grounded in an economy that respects private property and a political system that encourages freedom of thought.

This rebellion is inevitable, but the quicker we can weaken Castro's regime, the quicker the Cuban people can throw off his yoke.

To coddle this dictator, to deal with him and in so doing tacitly endorse his regime, would only prolong his rule and bring more misery to the Cuban people.

Tighten the noose around Castro's neck.

Support H.R. 927.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

Cuba is one of the few countries in the world in which the struggle against totalitarianism has not yet been won. Because of the proximity of Cuba to the United States and the historically close relationship between the peoples of our two nations, it is especially important that this victory come sooner rather than later.

In evaluating all proposed legislation, administrative action, and diplomatic initiatives with respect to Cuba, it is important to keep several principles in mind:

First, such actions must be calculated to emphasize the status of the Castro government as a rogue regime with whom the civilized nations of the world should have no dealings. The 1994 and 1995 Clinton-Castro immigration agreements, which represent the clearest manifestations of the Clinton Administration's policy toward the Castro regime, fail this test miserably. They have enhanced Castro's international prestige as well as his domestic power. Now we hear that some within the Administration would like to give this brutal regime an even longer lease on life by making further diplomatic overtures. The Cuban Liberty and Democratic Solidarity Act of 1995 would restrict the ability of this administration or any other administration to make such a mistake.

Second, our actions must be calculated to hurt the Castro government, not the Cuban people. Again, the 1994 anti-refugee agreement was a terrible mistake. It gave the Castro government just what it wanted: an end to the longstanding United States policy to accepting people who escape from Cuba. The agreement specified that Castro was to use ''mainly persuasive methods'' to keep people from fleeing Cuba. The United States thereby accepted moral responsibility for whatever forms of persuasion he should choose to employ. The harsh conditions now being imposed on the refugees in Guantanamo—especially the requirement that they can only apply for refugee or legal immigrant status if they first return to Castro's Cuba—are another victory for the Castro government.

An economic embargo presents more complicated moral and practical problems. There is no question that an embargo imposes short-term economic hardship on innocent people. It is therefore justifiable only if it is genuinely calculated to bring a speedy end to the regime that is the real source of their suffering. An embargo is far more likely to have this effect if it is respected by as many nations as possible. Again, the Cuban Liberty and Democratic Solidarity Act would help, by denying certain benefits to non-U.S. entities that evade the embargo.

Finally, we should make it clear that Cuba will receive a warm welcome back into the family of free and democratic nations. The provisions of the Cuban Liberty and Democracy Act that provide for transitional support of a free democratic government during the immediate post-Castro period will help to send this message.

Mr. Chairman, it is important that we remember just what kind of regime we are dealing with. I hope that my colleagues, in casting their votes on H.R. 927, will bear in mind that the Castro regime is the No. 1 violator of human rights in our hemisphere.

According to the State Department's Country Reports on Human Rights Practices for 1994, ''Cuba is a totalitarian state controlled by President Fidel Castro,'' who ''exercises control over all aspects of Cuban life * * *.'' According to the Country Reports, among the more serious human rights violations by the Castro regime during 1994 were the following:

The authorities were responsible for the extrajudicial killing of dozens of people.

In two separate incidents, government vessels rammed and sank boats used by citizens to flee the country * * *. [O]n July 13, government vessels fired high-pressure water hoses at the tugboat Trece de Marzo * * *. They then rammed and sank the boat. * * * Approximately 40 [people], including children, drowned.

[T]he Government continued to employ ''acts of repudiation,'' which are attacks by mobs organized by the Government but portrayed as spontaneous public rebukes, against dissident activity.

The Government also metes out exceptionally harsh prison sentences to democracy and human rights advocates whom it considers a threat to its control.

[P]olice and prison officials often used beatings, neglect, isolation, and other abuse against detainees and prisoners convicted of political crimes (including human rights advocates) or those who persisted in expressing their views.

Gloria Bravo, a member of the Association of Mothers for Dignity, had scars on her neck, chest, and arms from deep gouges made by long fingernails and welts on her back from a whipping.

In September Minister of Higher Education Fernando Vecino Alegret affirmed that commitment to the revolution, including a willingness to defend the revolution in the streets, was a condition for admission to the university.

Citizens have no legal right to change their government or to advocate change.

The Government does not allow criticism of the revolution or its leaders.

* * * The Communist Party controls all media as a means to indoctrinate the public.

[R]eligious persecution continues.

The Government has ignored calls for democratic reform and labeled activists who proposed them ''worms'' and traitors.

The decision on whether to embrace or isolate the Castro regime raises the question of what role human rights and basic decency are to play in our foreign policy. For American values and for the freedom of the Cuban people, please vote yes on H.R. 927.

The CHAIRMAN. All time for general debate has expired.

Mr. BURTON of Indiana. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KIM) having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having

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had under consideration the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE JIM KOLBE, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable JIM KOLBE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena for testimony and the production of documents by the Justice Court of the State of Arizona, in and for the County of Pima in connection with a civil case.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges of the House.

Sincerely,

JIM KOLBE,
Member of Congress.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KIM). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

[Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

[Mr. BONIOR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

[Mr. GEJDENSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BARR] is recognized for 5 minutes.

[Mr. BARR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

[Mr. MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

[Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

[Mr. ABERCROMBIE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

[Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

[Mr. VENTO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

G.V. MONTGOMERY COMMENDATION FOR COL. JAMES MATTHEW JONES JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today I wish to congratulate Col. James Matthew Jones, Jr. who will retire from the Army in September. Colonel Jones faithfully served his country with the Army over the last 32 years and due to his outstanding effort and ability, deserves recognition at this time.

Colonel Jones enlisted in the U.S. Army on October 17, 1963. After completing basic training at Fort Gordon, GA, and advanced training at Fort Jackson, SC, he was assigned to Korea with the First Cavalry Division. He completed this tour of duty in May 1965 and was assigned to Fort Story, VA, prior to going to Officer Candidate School [OCS] at Fort Benning, GA, in March 1966. He was commissioned a second lieutenant of infantry on 22 September 1966 and assigned to Fort Polk, LA, where he served as a company executive officer and company commander. In July 1967 he was assigned to Vietnam with the 1st Battalion, 327th Infantry (Airborne), 1st Brigade, 101st Airborne Division, where he served as Rifle platoon leader, company executive officer and company commander. During this tour, he was wounded in action, but refused to be evacuated. He was, however, awarded the Purple Heart.

In August 1968, first lieutenant Jones returned to the States where he was promoted to captain and assigned to Fort Benning, GA, and the Infantry Officer Advanced Course. He returned to Vietnam and the 1st Battalion, 12th Cavalry, 1st Cavalry Division, where he served as a company commander and Battalion operations officer (S–3). During his two tours—2 years—of combat and as a small unit leader, he did not have one soldier killed in combat under his command. On the other hand, his soldiers killed and captured more enemy and equipment than like-size units. He returned from Vietnam in November 1971, spent 2 years on the staff at Fort Meade, MD, and graduated with honors from Morgan State University in 1975 under the Army Degree Completion Program. Captain Jones was subsequently assigned to Fort Bragg, NC, and the 2d Battalion (Airborne) 505th Airborne Infantry, 82d Airborne Division. While there he served as battalion adjutant and operations officer.

In November 1977, now Major Jones was assigned to the 25th Infantry Division at Schofield Barracks in Hawaii. His assignments included Brigade adjutant, officer management, and Battalion executive officer. Major Jones returned to the United States to attend the Command and General Staff College at Fort Leavenworth, KS, in the summer of 1980. He graduated as a member of the centennial class in June 1981. His follow-on assignment was with the Department of the Army Inspector General in the Pentagon.

In 1982 he was selected for lieutenant colonel and battalion commander of the 4th Battalion, 9th Infantry Regiment, 7th Infantry Division, Fort Ord, CA. During the next 2 years he led the unit through numerous successful field training exercises. Relinquishing command in July 1984, Lieutenant Colonel Jones attended the U.S. Army War College at Carlisle, PA, graduating in June 1985. He was assigned to

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OCLL as a liaison officer in the U.S. House of Representatives and later as a colonel and chief of the House Liaison Division. In June 1989, Colonel Jones assumed command of the 11th Infantry Regiment at Fort Benning, GA. Relinquishing command in July 1991, he served as the director of the Army's family support program for a short period of time prior to returning to OCLL as the deputy chief.

Col. Jim Jones is culminating his service as chief, Congressional Inquiry Division. He effectively used his vast knowledge of the Army, his personal communications skills, and his management abilities to tell the Army story. He had personal and daily contact with members of Congress and key committee staff providing critical information. Colonel Jones guided and personally assisted U.S. Representatives in verbal and written responses to consistency resulting in strengthened relationships while promoting the Army's interest and professional image to Congress.

Colonel Jones is indeed the quintessential officer. His selfless service, love for soldiers, commitment to excellence, and caring professionalism have continually provided inspiration to those with whom he has served. This exceptional officer truly personifies those traits of courage, competency, and integrity our nation has come to expect from our Army officers. He has served our Nation well and our heartfelt appreciation and best wishes for continued success go with him as he prepares for his next endeavor.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 5 minutes.

[Ms. SLAUGHTER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE TRUE SITUATION WITH MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 25 minutes as the designee of the majority leader.

Mrs. MYRICK. Mr. Speaker, we thought we would like to give an explanation of what is really going on in the situation with Medicare. We have heard so much discussion over this past couple of weeks, and we are going to hear more, especially tomorrow, when the plan is actually released.

I wanted to clarify just a very simple point. That is that it really is true that the fund is going bankrupt, and will be bankrupt in 7 years, and this is not something that is just a figment of someone's imagination or politics or political rhetoric, it really is true. This is part of the conclusion of the Medicare trustees, as we see on the chart before us, that the fund will be exhausted in 2001, and that they also made a statement right after that that simply says that the present financing schedule for the Medicare program is sufficient to ensure the payment of benefits only over the next 7 years.

This is why the Republicans have taken it very seriously, that we must deal with this, we must be up front on this issue, and we must be responsible. We must find a solution. That is what we are doing with the help of the American people.

The thing that has been so gratifying to me is that when I have been home in my district over the last few weeks, we have spent so much time not only talking with seniors but talking with the hospitals and the providers, the doctors, and really getting a lot of input. I know all my colleagues have been doing the same thing. The encouraging part is that the people really do understand that there is a problem, and they want to be part of the solution.

We have been very, very, I think, pleased with the idea that people have come forward and said, ''I want to help, and I would like to give my suggestions, and will you really take these to heart?'' We want the American people to know that yes, we take these suggestions to heart, and we really are going to incorporate them to make a better system for the American people.

Mr. HAYWORTH. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I am delighted to yield to my colleague, the gentleman from Arizona.

Mr. HAYWORTH. The gentlewoman from North Carolina, Mr. Speaker, makes a very valid point. As I look here tonight for this special order, I see my colleagues, the gentleman from Arizona, two of my colleagues from Oklahoma, and a colleague from Indiana.

I think nationwide we have been getting outstanding input from members of our various districts, citizens and constituents in our district. I think the unique aspect of this is something that the gentlewoman from North Carolina [Mrs. MYRICK] referred to. In stark contrast to that very cynical statement that laws are like sausages, no one should watch closely while either are being made, we are going in totally a different direction with this.

Indeed, because we are representatives serving here in the Congress, we are going home. We are not only talking to seniors in the district, but pulling together folks from various walks of life for our task force meetings, and the thing that I think is important to stress is that this discussion is open to everyone, regardless of their partisan affiliation or political dispensation, regardless of their age. Every citizen in this country should be involved in this vital debate, for while it now affects seniors, and I think particularly of my granddad who resides in the State of North Carolina, 91 years of age, and my parents who reside in the district represented by the gentleman from North Carolina [Mr. COBLE] who will soon be aging into that program, I think some 3 years away from Medicare, this is a program that vitally affects our seniors, but also has great implications for our future as a Nation in term of offering choice; indeed, in terms of bringing elements of the free market back into medical coverage, and transforming and saving and improving Medicare for future generations.

I think the gentlewoman from North Carolina is to be commended for setting aside this time to take a look at what has transpired in the past, and again to say to the American people, Mr. Speaker, those joining us tonight via television, those who have written us, faxed us, phoned us, the debate continues on.

Mrs. MYRICK. That is very true.

Mr. HAYWORTH. I know with great clarity my colleague, the gentleman from Arizona, put together a town hall that was really quite a sight and very gratifying. I know that the input continues.

Mr. SALMON. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I am glad to yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, this debate is probably the most crucial thing we have debated since we began this Congress in January. It is important for a lot of reasons. It is important because, as I have done my town halls back home and I have talked to the senior citizens in my district, they have very, very clearly given me the understanding that they want to change Medicare so that it lasts beyond the next 7 years.

I give the seniors that have come to my town halls, that have called my office, that have come in to visit with me personally, a lot of credit. They are not individuals who are shortsighted, who are not concerned about the future of this program. No. 1, most of them hope to live beyond the next 7 years, at least the ones that I have talked to. No. 2, they realize that this is an important program that needs to be around for their children and their children's children.

I have sensed a lot of support. In fact, the town hall that the gentleman from Arizona [Mr. HAYWORTH] was referring to, we had about 700 to 800 people show up. I was so pleased to see the kind of can-do attitude that Americans have always had, that we will fix this system, that we will preserve and protect the Medicare system, because it is too important to politicize.

As we talked about options, I think very clearly they gave me a message. That is, ''When you go back there to fix this problem, make sure that you preserve our dignity and that you do not interfere with our relationship with our doctor, and that you do not take away our choices, but you enhance our choices so we can take the direction for our own medical care and take it away from the bureaucrats,

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give us more decisions. If the problem is waste and fraud, involve us in the solutions. Let us shop around so we can get the best deal.''

That is why I am so thrilled with the prospect of the medical savings accounts, which puts the power back in the hands of the individual, not bureaucrats who do not have a vested interest in the outcome of this individual's health care, but it gives seniors the ability to barter, to choose the doctor of their choice, to stop the mumbo-jumbo that is created here in Washington, and to take control of their own lives. I am just really pleased that we have come up with a plan that incorporates so many choices, and will help seniors again to take control of their own destiny.

Mr. MCINTOSH. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I yield to the gentleman from Indiana.

MR. MCINTOSH. Mr. Speaker, I want to say I appreciate my colleague's putting together the opportunity tonight to share with the American citizens what we are hearing about Medicare. I wanted to share a report from Indiana about what citizens in my district have been saying. I held 12 town meetings in August, and four more meetings just last weekend with a special Medicare advisory task force dedicated to developing ideas to preserve and protect and improve Medicare.

I wanted to let people know, probably the greatest worry that constituents in my district have was preserving Medicare. They are worried that if we do not act soon, it will not be available for 33 million Americans, and it will go bankrupt within the next 7 years.

I wanted to get their ideas on how we could fix that very serious problem. I told my constituents I would forward these ideas to my colleagues here in the House of Representatives, and to the Speaker, the gentleman from Georgia [Mr. GINGRICH], as we considered legislation in Congress to preserve, protect, and improve Medicare.

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The following is what some of the Hoosiers in my district told me we should consider as we look for ways to improve the current Medicare system and ensure that we keep our compact with senior citizens to be able to provide them the quality health care in the world.

First, do not play politics. They do not want us to play around with this legislation. They do not like the fact that the President and members of the minority party are willing to do nothing in order to score political points, and they commend our effort to step up to the plate and address this very serious problem.

Second, they want us to tell the truth. A lot of them were very nervous about cuts in Medicare, and they were seeing on the nightly news that we are cutting Medicare. They asked me, ''What are you going to do about this?'' I showed them a chart similar to the one that we have here tonight and pointed out to them that the truth is Medicare is actually going to be increasing under our plan. It is going up from $4,800 per beneficiary this year to over $6,700 per beneficiary in the year 2002.

People were pleased that we were being honest about this. We pointed up, that is not as fast as some people want it to grow in Washington and they are calling it a cut because we did not increase it as fast as they wanted to, but they were relieved to see that Republicans were committed to increasing spending in Medicare so that we can provide good quality health care.

And then the No. 1 issue that senior citizens asked us to address was to reform the system so that they could eliminate the fraud and abuse that is driving up the cost, and the No. 2 issue was to provide them more choices, so that they could take advantage of a lot of the new benefits in the health care system and be able to choose for themselves what type of health care they wanted, what type of coverage they wanted to get, and how they wanted to have their relationship with their doctors structured.

I want to close my report from Indiana by saying that I was very pleased with the input I got from citizens all over the district and pleased that they were willing to spend the time to help us craft legislation that will allow us to increase spending on Medicare, preserve and protect the system for senior citizens in the future, and I think they will be thankful that this Congress did not play politics with a very serious issue and stepped up to the plate to do what is right for all Americans.

Every senior had a personal example of fraud in his Medicare billing, including one in Milroy who was billed $5 for one aspirin, or another in Columbus who would take a taxi to the hospital instead of a bus because Medicare would not reimburse travel for the less expensive bus.

Constituents in Pendleton said they were told by hospital officials not to worry about what was on their bills.

''Don't worry,'' one hospital official said. ''You're not paying for this—Medicare is.''

Excessive paperwork required by Medicare also was mentioned at every Town Meeting.

One constituent from Alexandria suggested paperwork could be reduced by introducing competition.

She suggested private-sector firms could be used to process claims, with those that process claims the fastest receiving a bonus.

A man in Pendleton suggested a flat tax-like form to reduce Medicare paperwork.

Seniors told me they should be allowed to purchase their own insurance, and that competition would reduce fraud and overall costs.

One woman in Cambridge City said her daughter's HMO provided greater coverage, such as for eyeglasses and dental services, than Medicare does.

''Competition is good,'' she said.

''Let me decide the kind of insurance that's best for me.''

A woman in Elwood said people should be held responsible for their own bad health habits.

For example, she said, smokers should pay more for Medicare than nonsmokers, giving Americans an incentive to live healthy and reduce overall health costs.

One witness, in Muncie said that he welcomed choices but wanted to make sure we had ''Truth in Health Care,'' each choice lays out cost and coverage.

Finally, Mr. Speaker, a man in Union City said seniors who work full-time past the age of 65 should have the option of remaining on their private insurance plans.

Mr. Speaker, I was heartened to learn that Hoosiers recognize the need for immediate action to save Medicare.

But more than that, they want to ensure that we learn from the problems in the current system as we work to preserve, protect and strengthen Medicare while also offering seniors more health care choices.

Mr. Speaker, Indiana seniors are paying attention to this issue.

They understand that something must be done. They expect us to act. They know we are listening, and I insist that we act boldly, responsibly, and without delay.

I see my colleague from Oklahoma has risen. Would you like to join us in reporting on what you are hearing from your part of the country?

Mr. WATTS of Oklahoma. If the gentleman will yield, I would like to do that.

Mr. MCINTOSH. With pleasure.

Mr. WATTS of Oklahoma. It is interesting, my colleague from Indiana put up the chart there that says that Medicare spending will go from $4,800 per beneficiary this year to over $6,700 per beneficiary in the year 2002. Somehow or another over the last 4 or 5 months, some have been able to get a cut out of that. I know that my math is not what my other colleague's from Oklahoma is, but I just cannot figure that out, how that is a cut. That is almost like my son coming to me and let us say I am giving him a $10 allowance and he comes to me and he says, ''Daddy, I want my allowance raised to 20 bucks.''

I say, ''Well, I'll give you 15,'' and he goes to his friend and says, ''My dad cut my allowance.'' How he can get a cut out of that, I do not know.

In the town meetings that I did, and I did about 18 different forums, town meetings, over the August break, and what I found, it was interesting that last March I started doing some focus groups and visited with some folks, about 60 senior citizens in a local church, and we had dinner together. After dinner, we talked about Medicare. It was amazing what they were saying then, and I think because they use the system, they are out there in the trenches on a daily basis trying to make this system work, they saw many of the flaws that are in the system.

The number one complaint all over the district they have been talking about is the fraud and the abuse of the system and how that hurts those people that really do it the right way and

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really want to see the system work. But it was interesting the attitude shift from back in March when we first started doing the town meetings and the focus groups and the different forums to where it was in August, when we were doing the town meetings and focus groups.

Back in March there was a little apprehension and people were saying, ''Well, yeah, we don't know what's going on with this Medicare thing, but we're willing to wait and see because we know there's some fraud, we know there's abuse, we know the system's a little out of kilter but we're wanting to see what you guys are going to propose.'' That was what was being said in March. In August they were saying, ''Fix Medicare. Take care of the problems. Get rid of the fraud and the abuse, and cure all the problems with Medicare.''

I think it is important to note, as it has been noted here with my 3 previous colleagues, is that the Medicare Board of Trustees in the last 2 annual reports, in 1994 and again in 1995, said that it is going bankrupt. It will be broke in 1996, it will be bankrupt by the year 2002. I think it is very irresponsible for any Congressperson that has a vote in the 104th Congress to say that we should not do what we must do to fix and save and protect and strengthen the Medicare system, as my colleague from Arizona said, not just for today's seniors but for future seniors that depend and that will be depending on this program.

I see my other distinguished colleague from the State of Oklahoma that represents my home district, by the way, he has risen, and I will yield to him.

Mr. COBURN. I appreciate that very much.

Mr. Speaker, I bring a somewhat different perspective to this debate. Many of the people in my district know that I am a practicing family practice physician. I get a unique perspective because not only have I been a provider in the Medicare system and I have hundreds and hundreds and near thousands of patients who are on Medicare, I get to see what they say and what they like about Medicare, and the security they have in knowing that their health care is going to be there, and at the same time the obligation of being a physician is to offer yourself to solve the problem.

It just strikes me that of the group of people that are talking here tonight, what the election in 1994 was all about. There is not a career politician among any of the group that has stood up here tonight to talk. Many of us have already signed commitments that we do not want to be here. I have no plans to be here 6 years from now.

Therefore, what is our goal? Is our goal self-aggrandizement? Is our goal to elevate ourselves? Or is our goal, do we really come here with the best interests of everybody in our district, the best interests of the senior citizens in this country, to solve the problem?

I want people to know that there is no patent on caring. I would not have left a medical practice, other people would not have left other great careers to come and do what we are doing if in fact we did not want to solve the problems.

We have lots of input on how to solve this. The one thing that we should all ask is are we getting value for what we are paying for? Therein lies the problem with Medicare.

And the seniors know the answers. The seniors know where the problems are, whether it is fraud, whether it is waste, whether it is a lack of comprehension of how the system works and how we have excluded seniors from the payment of bills so they will not know what they cost and how we have allowed a system to be overused and abused. It just strikes me that the way we solve this problem is that we are honest. We are going to make some mistakes. We are not going to have a perfect solution for Medicare. But what we are going to do is work hard, listen and try to do the right thing.

You cannot take that away from me. I can sleep every night knowing that my interest is best in watching for my district and the seniors, and also the taxpayers in our district. We can solve Medicare. We are going to solve Medicare. We are going to make a viable, optionable, quality-oriented health care system that every senior in this country can depend on and can count on and they are not going to have to go to bed at night worrying about whether or not it is going to be there in the future.

□ 2330

Mr. MCINTOSH. Will the gentleman yield for a question?

Mr. COBURN. I yield to the gentleman from Indiana.

Mr. MCINTOSH. As a doctor, were you hearing from citizens in your district that they welcomed the chance to have a choice about health care plans; that they would be able to maybe be able to get benefits to cover their medications, which they cannot right now under Medicare, and some of the other options that the current system, because it is so heavily regulated out of Washington, does not provide for senior citizens?

Mr. COBURN. I think that is very true. I think with a problem comes opportunity. And we have a problem. The trust fund is going broke, but the opportunity that we have is to not only preserve what we have, but to strengthen it and improve it.

I have seniors in my district that choose between eating supper and taking a pill. And to have them have an option that would take away that burden, where they will not have to make a choice between a medicine and supper, is something that many of them would welcome.

I talked to a lady today on the phone and she said, ''I do not think that is possible. I think that is a scam.'' But the fact is, there are going to be options out these where seniors can choose to go into a program that will offer them their medications.

Mr. MCINTOSH. Would that not be a blessing?

Mr. COBURN. It would be a blessing for hundreds and hundreds of people in my district to have that option. It is not available to them now.

We need to listen to the seniors of this country. They have a lot of experience to share with us.

Mrs. MYRICK. If the gentleman would yield for just a moment, I wanted to make a point too. There is another option we really have not discussed tonight and that is something that was asked of me a lot in my district when people would come up and say, ''What is going to happen?'' And we would tell about the choices and they would say, ''Why can I just not stay in the plan that my employer had for me? It was a good plan and I liked it a lot better.'' That is going to be another option that we hadn't talked about; the option that they can stay as they are if they want to.

Mr. MCINTOSH. So you are saying, under our reform, if somebody wanted to stay in Medicare under the program they know right now, they could do that?

Mrs. MYRICK. That is exactly right.

Mr. SALMON. Would the gentleman from Indiana yield? That is the beauty, and as I have talked to the seniors in my district, in fact, my father, before I came back to Washington this last week, he said, ''Son, you better make sure when you get back there that you guys preserve those options that you have talked so much about, because I am looking forward to this. Right now, the current Medicare system just is not giving me these kinds of options, and I like the medical savings account option, personally, because it will incentive me to control my own costs. I think I can do a better job of controlling my costs than a nameless, faceless bureaucrat in Washington can do.''

Let us talk about the options. Number 1, I think it has been mentioned that they can stay on the current fee-for-services type program. They can move to an HMO or PPO type program. They can go to a medical savings account.

Mr. COBURN. They can go to a provider-based network to do that. So the options that are, in fact, not available now, are going to be available that they have not had before. They not only will have choice of options, but choice of doctors.

Mr. SALMON. And the difference between who decides what those options will be is that it will not be dictated by some bureaucrat. The choice is up to the individual.

Mr. MCINTOSH. If the gentleman would yield, the minority leader is on television a lot telling seniors they are going to have to spend another $2,000 under this plan, but is it not the truth

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that, in fact, some of these options will mean it will not cost them as much as it does right now? That they will actually save money because of our plan?

Mr. SALMON. I believe so. In fact, most people out there will actually do better under this plan.

Mr. MCINTOSH. Why do seniors not know that?

Mr. SALMON. I would say this to the American public. If you think that Washington has managed your dollars well in the past, then we have every reason to believe that the bureaucrat-laden system that we have got is the best thing. But if we believe that the American people out there can take control of these costs, and that they can look out for their needs better than a bureaucrat can, then this option is the best way to go.

Mr. MCINTOSH. So it really is just not true that they are going to have to pay thousands of dollars more, and, in fact, sometimes people will save money under our plan?

Mr. SALMON. In fact, I think in most circumstances the individuals will save money and will do better under our plan, because there are more options and there is less interference between their relationship with their doctor.

Mr. COBURN. I would like to interject one thing. It is not moral to take away somebody's comfort about their security. And there is no intention anywhere in any of the plans to do anything other than to make sure every senior citizen in this country has quality affordable health care.

Mr. WATTS of Oklahoma. If the gentleman would yield for 1 second, as we close, I want to clearly define why we are offering options and choices. That creates competition with doctors, hospitals, insurers. They compete. And when you make the marketplace compete for market share, that gives value, that brings about efficiency.

Just one simple illustration, if I see this ink pen, if I am the only one settling it I can sell it for what I want to sell it for. If my other colleagues come along and set up shop and say we are going to sell ink pens, I have to be more conscious about how much I am selling it for. That is why we are giving options for efficiency.

THE TRUTH ABOUT MEDICARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 20 minutes as the designee of the minority leader.

Ms. JACKSON-LEE. Thank you, Mr. Speaker. And I appreciated the dialog and interchange of my colleagues who, like me, are mostly freshmen in this House. But I think that if we are to provide a real discussion, it must be clear, decisive, nonagrumentative, and as forthright as we can possibly be.

And I think if there is one singular indictment of this so-called proposal by Republicans to help Americans with respect to Medicare, it is that they absolutely refuse to have full and open hearings on this very major change in American history.

One day, the say. Fraudulent. Cover-up. Misrepresentation. Not many of us could understand a massive change in medical reform in 1 day.

Clearly, I would simply ask the question to my colleagues, and certainly I enjoyed the opportunity to work with them and come to this podium with no beggage, I would simply as the question: How do you manage to reform with $270 billion in cuts of a program that is in need of reform and in need of a major health reform in conjunction with the reform of Medicare?

The question simply becomes, How do you respond to the citizens in all 50 States in this Nation? The citizens in Florida that will be paid over $5,000 extra under the reform plan by the Republicans in the next 7 years, or the citizens in Louisiana for $4,000, or the citizens in Texas for $3,000?

Mr. HAYWORTH. Would the gentlewoman yield?

Ms. JACKSON-LEE. I would be happy to yield in a moment, just for a moment. Or, in fact, the citizens in California for $4,783? Or in Washington State for $2,246?

You simply do not have the facts, and the Democrats have been representing to the Republicans, our colleagues, that we stand ready to debate this issue truthfully and factually over a period where hearings can bring people from their distributes, I hope, from our districts, medical professionals, senior citizens, long-term care givers and actually discuss the real crux of the issue.

Just for a moment, let me frame the question for you. All of us can agree that we can fix Medicare on many planes and many platforms, but one that we can unanimously agree on is that we can save $61 million if we take away fraud, abuse and waste.

When I go to the 18th district of Texas, no one disagrees that they are prepared to work against and to inform and to improve Medicare from that perspective. But they do tell me, and the speakers that were here earlier indicated and did not give an answer, that they had seniors in their district that were making choices between prescriptions and food. I do too.

□ 2340

And those seniors will continue to have to make those choices or in fact have absolutely no health care under this plan by the Republicans.

Let me also mention a point that is extremely important. This whole masquerade about choices, which I think would be relevant to 4 weeks of hearings, because we could understand what the choices actually mean. But in fact, we know in the private sector that the sickest of the population are not insured.

In the present health care system that we have now in America, we do not have provisions for preexisting disease; we do not have portability, because we do not have national health reform. So how would that occur for senior citizens? Would there be the option for those who are sickest to have an opportunity to be in a solid program, or would you find a pool of the sickest senior citizens left by the wayside by the empty well not being able to drink the water?

I would simply raise the point that in this Nation we have now the most healthy population of senior citizens. Thirty years ago in 1965, not one Republican voted for Medicare. In fact, they argued vigorously against it. But 30 years into the history of Medicare, now 1995, we can brag on the fact that our senior citizens are healthier and they are living longer. Shame upon us, that we come now 5 years before the 21st century and what we will say to those entering the 21st century is not for the future, but that we will return to those very damaged days when those who were in need of health care were lost in the wilderness of health care in this Nation, and were lost and never found on their dying beds because they were not able to receive the coverage necessary.

I will yield to the gentleman for just a moment, for I have a long litany of things that I would like to proceed with, and I hope I can engage him in a discussion, and maybe he would give me an answer that we would in fact do well for the American public if we join together on 4 weeks at least, minimally, to have hearings to be able to have his position explained, not to each other, but to the American people, and to make the right choice and go in the right direction in the 21st century and to be able to be proud about the health care that we provide for our senior citizens.

Mr. Speaker, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. I thank the gentlewoman for yielding the time so graciously. Certainly the gentlewoman raises many questions tonight and I thank her for raising them.

First and foremost, I think it is important for us to understand as the gentlewoman has been doing in our district in Texas, as I have been doing in Arizona; in effect we have been holding our own hearings. But she raises a point that I think is of some interest. Of far more interest to me tonight is the chart purporting to talk about increase of out-of-pocket expenses. Could we explain the formula, the methodology, or the rationale that leads us to make this claim that the prices would rise so drastically. Because I can tell you it is certainly not my intent, nor did we come to the Congress with the notion of trying to bankrupt our seniors. Quite the contrary, we want to save this program.

So I am just curious where these numbers come from, how they were arrived at, how we arrived at these numbers.

Ms. JACKSON-LEE. Mr. Speaker, I would be happy to share with the gentleman that this is a basic analysis that takes into account the proposed $270 billion which results in a $245 billion cut in Medicare. But let me expand on that point so the gentleman can understand.

The gentleman uses the term bankrupt, and I think that is an important term, because the recent, the earlier discussion used that word frequently. In fact, we find that the Republicans rely so openly on the trustee report, and interestingly enough, that report was given last year with deafening silence in 1994.

But if I might refer to a chart that I have reviewed that shows in 1970, which I believe was under a Republican administration, there was only a 2-year life in the Medicare trust fund, if you will. Periodically over the years, since 1970 and 1995, we have seen it go up to 14 years and have seen it come down lower. In fact, the trustee report indicated this year that it would be a 7-year life and they in fact thought that that was a positive, because it gave the Congress a larger span of time to respond to some of the very issues my colleague has raised.

We agree that we need to fix Medicare. But today, 1995, rather than frightening seniors, if we all are to try to get forthright to bankruptcy, that is inaccurate. Bankruptcy is pending, or impending, it is tomorrow, it is next week, it means we have to file. There is a 7-year life on the Medicare trust fund of which we are responsible for trying to make sure there is a greater life. But we are better off today in 1995 than we are in 1970. These numbers are basically an analysis of how the breakdown in the premiums in the different States presently are and what would be reflected by a $270 billion tax cut that the Republicans want to offer that would be taken out of Medicare.

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

Ms. JACKSON-LEE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank the gentlewoman for yielding to me for a moment.

I think the gentlewoman raises a compelling point, and it is this: If the trustees' report tells us that we have a 7-year window, then are we not compelled to act? In other words, is it not prudent, because both of us come from an environment where we were successful professionals in other endeavors; we are not professional politicians, we came here to serve our districts and we have differing philosophies. But is it not prudent to move now to solve the problem rather than taking our chances 2, 3, 4, 5 years down the road and simply hoping that we can correct it ourselves?

In other words, we went back to 1970 when of course this Chamber was controlled by her party, regardless of who sat in the White House. We went back to 1994, more recently, when this Chamber again was controlled by a different party and nobody moved to solve the problem. In other words, is it prudent to wait this out?

Ms. JACKSON-LEE. May I respectfully and vigorously disagree with the gentleman.

Mr. HAYWORTH. Certainly.

Ms. JACKSON-LEE. And the reason why I would do that is because, quite the contrary, in terms of your analysis, in 1970, under a Republican president. There were 2 years where there was a Democratic Congress. And over the years the Democratic Congress has maintained the viability of this Medicare program, both A and B. We recognize that we must fix this. That is something that I hope all of us embrace.

When I go into my inner city district and I have a town hall meeting or I send out massive information that comes back to me threefold where citizens of different walks of life are indicating, please help us save Medicare, they are recognizing that over the period of time that we were, as you will, in the majority, the Democrats worked to save this program. And there is no doubt that we should not wait 7 years out to in fact try to reform Medicare.

Let me add that reforming Medicare should be in conjunction with reforming this national health program that we have. And the issue is that over the 25 years the Democrats have been able to infuse support and energy into this Medicare system which has allowed it now to serve senior citizens for over 30 years, they have never been healthier, because Medicare provides partly a maintenance program. And so 30 years we have maintained it.

Now is the time to come to the table. But what has happened is, precipitously, we have a plan that has yet not seen the light of day. The gentleman may have copies of it. It may be easing out now, and it may be in full force tomorrow. But the hearing was delayed and we are only having 1 day, and I do not think that we can disagree on the reasonableness, not of waiting 7 years, but at least 4 weeks of hearings to deliberate on the best way to ensure that collectively we have a system that does not burden the American citizens and their children.

Might I add, and I happen to have seen and enjoyed meeting, I believe, your grandfather. And I am not pretending to speak for him or to suggest what his thoughts are. But I know the relationship that you have obviously with senior citizens. The question has to be, if we are both in agreement and in tandem on the idea that Medicare must be reformed, then I cannot see why Republicans are rebutting and refusing to open it up to the American public for 4 weeks of hearings in order to make a decided difference.

Mr. HAYWORTH. If the gentlewoman would yield, and again, I certainly respect, and I think the American public, Mr. Speaker, joining us tonight hear a constructive debate, albeit different, and dare we say in some ways partisan. But that is the nature of what goes on here.

I think it is very important to respond to several of the points that were raised. When we talk about improving a program, I think the philosophy could not be clearer in what I am hearing from the gentlewoman from Texas. Is it not more important to offer choices to Americans regardless of their age than to say, here is a one-size-fits-all program, basically 1964 Blue Cross Blue Shield codified into law in 1965. Is there not a way to expand choices and improve the program while maintaining for those seniors who want to remain on this program, Medicare as we know it, maintaining that program?

□ 2350

Mr. HAYWORTH. You and I disagree and indeed, I will graciously give the time.

Ms. JACKSON-LEE. Let me reclaim my time, and I thank the gentleman for engaging in this discussion, and let me answer, and I am going to reclaim my time because the hour is fast closing.

I have been in this process before and I respect the gentleman for acknowledging that we all come from different backgrounds and have had different experiences, and as a member of the city council of the city of Houston, we have had to now, over the years, look very seriously about new health packages as the costs have gone up in the private sector. What we find happening and what I heard most of all in my district and from my seniors of all various economic backgrounds is that they like the choice that they have now, which is the choice and opportunity to go to those physicians that they have developed a comfort level with and those hospitals that they have developed a comfort level with, and I would beg to differ with the gentleman.

Reclaiming my time, what will happen is that the choices that the gentleman is talking about is the choice to be placed and forced into managed care and thereby forbidding and prohibiting seniors from those long-standing relationships, and what ultimately happens is that as the numbers begin to rise, then the choices become limited and the managed care becomes the only source and choice for these seniors.

Again, I go back to the concern that I have raised with many of my colleagues because I come from a district that has a very strong public hospital system and what I say is that the burden will fall on the sickest of our seniors, those needing long-term care and otherwise who cannot participate in a managed care because they are not viable and will not be selected. It is a mutual selection process and a cross-pollenization.

I would say to the gentleman that he raises some valid points. I vigorously disagree, but what would be more productive is that we have this openly discussed through those service providers,

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those seniors coming to the U.S. Congress. It does not do us as policymakers well for us to rely upon, as they say in the court of law, hearsay. It is important. Yours is hearsay, what you have heard in your district, and maybe what I am saying I am saying to you something that I heard in my district, we both know it is fact, but technically it is hearsay. The seniors are not here to tell either one of us.

So it is important then that if we are serious about reforming Medicare, which took some, I would say, some 65 years into the 20th century to be formulated, now when we try to reform it in such a major way, do we not owe the American public and owe this issue four weeks for hearings to decide it in the most effective and the best way? I cannot agree that cutting $270 billion for a tax cut that the Republicans are offering would in any way assist us in reform.

Mr. HAYWORTH. Would the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, a couple of points need to be made and let me clear it up without having hearings. A misconception seemed to be put forth here a second ago. I am certainly not suggesting, nor do I think anyone in this new majority is suggesting that seniors be compelled to leave the doctors under whose care they find themselves now to somehow sacrifice that physician-patient relationship. Nothing could be further from our intent.

Moreover, with reference to $270 billion and somehow a tax cut for the rich, the gentlewoman from Texas certainly realizes that the Budget Committee, under the stewardship of the gentleman from Ohio [Mr. KASICH], worked very hard to make sure that those tax cuts were fully provided for in the budget plan and the road map and the glide path to a 7-year balanced budget. Moreover, even if the budget were balanced today, we would still have this threat of the Medicare Trust Fund.

Ms. JACKSON-LEE. Reclaiming my time, and I thank the gentleman for his insight on this, but let me respectfully share with the American people that the $270 billion tax cut has always been associated with the money that was going to be cut out of Medicare, plain and simple. Let me say to you that even those Republicans who no longer serve in government, Arthur Fleming, the health secretary, Health and Human Services Secretary under President Eisenhower, still going strong, has indicted the Republican Party and said he cannot believe that you would offer these proposals without allowing the American people, seniors in particular, to participate.

Mr. Speaker, what we are facing, and what I hope that we will engender, are calls from across this land, all of the States that are impacted by these draconian cuts. I hope that you all will get calls, and likewise in my office, demanding, if nothing else, a reasoned debate among the American people on this issue.

Might I say that we all will have to live with these cuts no matter what party we are in. We will have to live with them not so much because the Democrats were involved in cutting. That is not our posture. Our posture is to lay down before the bulldozer, but because our constituents will be harmed and hurt and it is probably going to be irreparable injury, and in a court of law, there are grand damages for that.

I would simply say to the gentleman what we will be facing in this Congress, without having proposed a national health reform program, we will not jointly be able to go to the American people and say that we in good conscience cut this for them 7 years, over $4,000 in some instances, people having to make the choices between food and prescription drugs, and in joint support of that, the cuts in Medicaid, $182 billion, and those indigent seniors who cannot get long-term care.

Mr. Speaker, I am reclaiming my time and I thank the gentleman for his interest, but the key is that those who are in long-term care needing Medicaid will likewise not have the right and not have the ability to have health care.

Let me just say one other point as we move toward closure. Can the gentleman not, or my colleagues that I have just heard my fellow freshmen that are Republicans, can they not deny that the population, the aging population is getting stronger, is living longer, and in fact, if you would analyze the trust fund and find out the real reason why there is a life span that is shortened each year is because people are living longer? We should be applauding that. We should be very, very enthusiastic that the gentleman from Arizona has a grandfather and many of us have our parents, my parents, alive and well because of Medicare.

Thirty years of Medicare, the healthiest population of Americans, and yet we are forced in this majority Congress of Republicans to stand up and tell the American senior citizens and those citizens who have to support senior citizens that we are going to cut them off at the knees and tell them that what is more important is the partisan debate, you are right, between Republicans and Democrats, rather than a reasoned set of hearings that would allow us to put forth programs to eliminate waste, fraud and abuse, to be able to work with the physician population, the hospital population, both private and public sector, the prescription or pharmaceutical industry and begin to analyze for real what we are doing or what we need to do to improve the delivery of services at a more efficient price, and not leave, and not leave that broken and bent body on the road we travel, unhealthy senior, left alone on the roadside seeking a simple drink of water. What are we going to give them?

Mr. HAYWORTH. Will the gentlewoman yield?

Ms. JACKSON-LEE. I think my time is up and I am going to continue to reclaim it because I think this is an important point I want to make.

The sickest of our seniors, the sickest of our seniors will be left without care, without attention, and as the gentleman is willing to debate me now, when I ask him or can I ask him, as he goes and leaves the floor and dialogues with his colleagues tomorrow the simple question, would it not be better for America if we had these hearings to present your presentation, to allow the debate on what I am offering to say, but most of all, to listen to the multitude of those who will be most impacted by these draconian cuts?

Mr. HAYWORTH. The gentlewoman asked a question. Would she yield for an answer?

Ms. JACKSON-LEE. I will yield for just a moment because I want to conclude.

Mr. HAYWORTH. Simple point. If the gentlewoman can explain to me how an increase over seven years in benefits per beneficiary of $2,000 can be a cut, going from $4,800 this year to $6,700 in 2002, where is the mathematical rationale to show me that that is the draconian cut that the gentlewoman has talked about so often this evening?

Ms. JACKSON-LEE. I would be happy to show you what the draconian cut results in because it is very clear, and the reason why it is very clear is because it is evident that you are dealing with provisions A and B, and obviously that masquerading of those particular sections are where the Republicans are suggesting to the American people that they are benefiting the beneficiaries.

These numbers clearly suggest that those citizens will be engaged in higher premiums, clearly will be paying higher premiums because of the large cuts that the Republicans are proposing. Where are the hearings? Where are the voices of the senior citizens? Let us resolve this on behalf of those citizens to make a whole colloquy for all Americans.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. VENTO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

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Mr. OWENS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, today and on September 21.

Mr. HORN, for 5 minutes, on September 21.

Mr. SALMON, for 5 minutes, on September 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SERRANO) and to include extraneous matter:)

Mr. BERMAN in two instances.

Mr. COYNE.

Mr. OWENS.

Mrs. SCHROEDER.

Mr. FOGLIETTA.

Mr. KLECZKA.

Ms. ROYBAL-ALLARD.

Mr. COLEMAN.

Mr. HAMILTON.

Mr. MONTGOMERY.

Mr. BONIOR in two instances.

Mr. STARK.

Mr. PETE GEREN of Texas.

Mr. CONYERS.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. GALLEGLY.

Mr. QUINN.

Mr. PACKARD

Mrs. MEYERS of Kansas.

Mr. ZELIFF in two instances.

Mr. HORN in two instances.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. LUTHER.

Mr. WAXMAN.

Ms. JACKSON-LEE.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until tomorrow, Thursday, September 21, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1449. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the 502d Air Base Wing at Maxwell Air Force Base, AL, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1450. A letter from the Secretary, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to Thailand (Transmittal No. DTC–45–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1451. A letter from the U.S. Agency for International Development, transmitting notification that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the ''Act''), to authorize the furnishing of defense articles and services to Rwanda, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on International Relations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY; Committee on Commerce. H.R. 1020. A bill to amend the Nuclear Waste Policy Act of 1982; with an amendment (Rept. 10-4–254, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1020. The Committee on Transportation and Infrastructure discharged.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1020. Referral to the Committees on Resources and the Budget extended for a period ending not later than October 20, 1995.

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. DOOLITTLE (for himself, Mr. STUMP, Mr. BRYANT of Tennessee, Mr. HAYWORTH, Mr. BOEHNER, Mr. DORNAN, Mr. BARTLETT of Maryland, Mr. SKEEN, Mr. EMERSON, Mr. UNDERWOOD, and Mr. SHADEGG):

H.R. 2367. A bill to amend the Clean Air Act to further protect and enhance the public interest by ensuring an orderly transition from chlorofluorocarbons [CFC's] and halons to substitute compounds, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE:

H.R. 2368. A bill to establish audit authority in the U.S. General Accounting Office over the Niagara Falls Bridge Commission; to the Committee on Transportation and Infrastructure.

By Mr. UNDERWOOD (for himself and Mr. FALEOMAVAEGA):

H.R. 2369. A bill to provide for the development of the fishery resource within the exclusive economic zone of the insular areas of the United States, and for other purposes; to the Committee on Resources.

By Mr. STOCKMAN:

H.J. Res. 107. Joint resolution proposing an amendment to the Constitution of the United States regarding congressional pay and pensions; to the Committee on the Judiciary.

By Mr. PORTER (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. HAMILTON, Mr. HYDE, and Mr. HOYER):

H. Con. Res. 102. Concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. BASS.

H.R. 89: Mr. NEUMANN.

H.R. 156: Mr. FRAZER, Mr. BLUTE, and Mr. STEARNS.

H.R. 325: Mr. HOYER.

H.R. 528: Mr. TAYLOR of North Carolina, Mr. DIAZ-BALART, Mr. STOCKMAN, Mr. HALL of Ohio, Mr. WOLF, Mr. BALLENGER, and Mr. HALL of Texas.

H.R. 580: Mr. JONES.

H.R. 598: Mr. HEFNER, Mr. LOBIONDO, Mr. MINGE, Mr. REED, Mr. MCCOLLUM, and Mr. QUINN.

H.R. 764: Miss COLLINS of Michigan.

H.R. 789: Ms. KAPTUR.

H.R. 833: Mrs. MEYERS of Kansas.

H.R. 885: Mr. ACKERMAN, Mr. MANTON, Mr. NADLER, Mr. SCHUMER, Mr. TOWNS, Mr. OWENS, Ms. VELAZQUEZ, Mrs. MALONEY, Mr. ENGEL, Mrs. KELLY, Mr. MCNULTY, Mr. MCHUGH, Mr. WALSH, Mr. HINCHEY, Mr. MCINTOSH, and Mr. LAFALCE.

H.R. 924: Mr. KILDEE.

H.R. 1020: Mr. WAMP, Mr. HOKE, Mr. BATEMAN, and Mr. HASTINGS of Washington.

H.R. 1023: Mr. MCHUGH and Ms. MOLINARI.

H.R. 1133: Ms. DANNER, Mr. SOUDER, and Mr. HANCOCK.

H.R. 1136: Mr. ACKERMAN, Mr. MILLER of California, Mr. HORN, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. MCKEON, Mr. OWENS, and Mr. ROMERO-BARCELO.

H.R. 1202: Mr. COBLE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1386: Mr. NEY, Mr. MORAN, and Mr. COX.

H.R. 1400: Mr. SANDERS.

H.R. 1488: Mr. STUMP, Mr. HAMILTON, Mr. HEFLEY, Mr. DOOLITTLE, Mr. HAYES, Mr. BOUCHER, Mr. HUTCHINSON, Mr. NEUMANN, Mr. SPENCE, and Mr. LAUGHLIN

H.R. 1591: Mr. LANTOS.

H.R. 1662: Mr. BEREUTER, Mr. SKEEN, Mr. HEFNER, Mr. JOHNSON of Florida, Mr. BISHOP, and Mr. NUSSLE.

H.R. 1753: Mr. PICKETT, Mr. PALLONE, Mr. BREWSTER, Ms. DELAURO, Mr. DICKEY, Ms. ESHOO, Mr. FARR, Mr. FAZIO of California, Ms. FURSE, Mrs. LINCOLN, Mr. MCKEON, Mr. POMBO, Ms. VELAZQUEZ, Mr. BAKER of California, Mr. FRELINGHUYSEN, Mr. HOEKSTRA, Mrs. KENNELLY, and Mr. RAHALL.

H.R. 1776: Mr. ZELIFF, Ms. MCKINNEY, Mr. HUTCHINSON, and Mr. PORTMAN.

H.R. 1801: Mr. HASTERT.

H.R. 1818: Mr. HANSEN and Mr. PARKER.

H.R. 1821: Mr. METCALF and Mr. LIVINGSTON.

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H.R. 1893: Mrs. KELLY, Mr. KINGSTON, Mr. RANGEL, Mr. NEY, Mr. JACOBS, and Mr. DAVIS.

H.R. 1916: Mr. BARTON of Texas, Mr. BEILENSON, Mr. DORNAN, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. MANZULLO, Mrs. MEYERS of Kansas, Ms. PRYCE, Mr. QUILLEN, Mr. SERRANO, Mr. SMITH of Texas, Mr. TAYLOR of North Carolina, and Ms. RIVERS.

H.R. 1956: Mr. CALLAHAN, Mrs. FOWLER, Mr. PICKETT, Mr. METCALF, and Mr. GILLMOR.

H.R. 1960: Mr. BURTON of Indiana, Mr. HOSTETTLER, and Ms. MOLINARI.

H.R. 1970: Mr. HASTINGS of Florida and Mr. ACKERMAN.

H.R. 1974: Mr. FRANKS of New Jersey.

H.R. 2019: Ms. DELAURO, Mr. FOGLIETTA, and Mr. PAYNE of Virginia.

H.R. 2072: Mr. INGLIS of South Carolina, Mrs. ROUKEMA, Mrs. CHENOWETH, and Mr. HERGER.

H.R. 2090: Mr. WELDON of Pennsylvania.

H.R. 2144: Mr. ALLARD, Mr. CAMP, Mr. BURTON of Indiana, Mr. HOEKSTRA, and Mr. ROEMER.

H.R. 2172: Mr. LIGHTFOOT.

H.R. 2179: Mr. KOLBE.

H.R. 2199: Mr. STEARNS.

H.R. 2205: Mr. LATHAM, Mrs. MINK of Hawaii, Mr. STUPAK, Mr. EVANS, Mr. ORTIZ, and Mr. RIGGS.

H.R. 2270: Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. SMITH of Texas, Mr. STUMP, Mr. HERGER, Mr. BAKER of California, and Mr. BARTLETT of Maryland.

H.R. 2277: Mr. MILLER of Florida and Mr. ROHRABACHER.

H.R. 2289: Mr. FLANAGAN, Mr. BISHOP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. WELLER, and Mr. CLEMENT.

H.R. 2341: Mr. STEARNS, Mr. BOEHNER, Mr. DREIER, Mr. JACOBS, Mr. LIVINGSTON, and Mr. KOLBE.

H.R. 2364: Mrs. CHENOWETH.

H. Con. Res. 54: Mr. FRANKS of Connecticut.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 927

OFFERED BY: MR. WYNN

(Pursuant to the rule, page and line numbers are to H.R. 2347)

AMENDMENT NO. 4: Page 22, strike lines 4 through 20 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

H.R. 927

OFFERED BY: MR. WYNN

(Pursuant to the rule, page and line numbers are to H.R. 2347)

AMENDMENT NO. 5: Page 22, strike line 4 and all that follows through page 23, line 7 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

Page 23, line 8, strike ''(c)'' and insert ''(b)''.

H.R. 2274

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 29: Page 97, after line 12, add the following:

SEC. 354. PROHIBITION ON PAYMENT OF SAFETY AND PERFORMANCE BONUSES.

Amounts in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986, and non-Federal funds required by law as a condition for the receipt of such amounts, may not be expended for the payment of a safety or performance bonus to a contractor.

Conform the table of contents of the bill accordingly.

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