EXTENSIONS OF REMARKS

THE SAFE DRINKING WATER ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. DINGELL. Mr. Speaker, with my colleagues Mr. WAXMAN and Mr. STUPAK, I am today introducing legislation to extend an arbitrary deadline established by the House leadership that will deprive the States, cities, and towns of more than $700 million for protecting and enhancing the Nation's drinking water. Sadly it is the fumbling of the House Leadership that necessitates this action.

Mr. Speaker, when the leadership cobbled together the Omnibus Appropriations Act earlier this year, it included language which set an August 1 deadline for the $725 million that had been accumulated to fund the new safe drinking water state loan fund. Specifically, the measure provided that Congress must pass Safe Drinking Water Act amendments authorizing the revolving loan fund before the deadline. Without passage of the amendments, the funds will pass to the clean water fund and will no longer be available to help this Nation's water systems provide safe and healthy water.

All agree this loss would be catastrophic.

To avoid this problem, the House unanimously passed a strong, bipartisan reauthorization of the Safe Drinking Water Act on June 25, 1996. This measure will improve protection of our drinking water from microbiological contaminants that cause acute illnesses—even death—from single exposures. It will reduce exposures to carcinogens, endocrine disruptors and other long-term human health threats. Equally importantly, the bill gives States and water districts unprecedented flexibility to customize their safe drinking water programs to meet their individual needs and circumstances.

But with this progress and flexibility will come increased responsibilities for the States and the water districts. And this is where the State revolving fund comes in. This fund is vital to help States and localities meet the costs of complying with the Safe Drinking Water Act.

This State revolving fund is to be divided between the States by an objective formula. States can use the money for grants and loans to their water districts under rules that focus the money on projects that address the most serious health risks, ensure compliance with the Safe Drinking Water Act, and assist water districts with the greatest need on a per household basis.

Despite the strong, bipartisan support for this measure and for the establishment of the safe drinking water fund, the House leadership complicated the task of completing work by the deadline. First, while the bill passed on June 25, conferees were not selected until July 17, some 22 days after passage and after more than half of the time available before the deadline had passed. Worse, when conferees were appointed, the leadership added layers of complexity by appointing three committees as conferees on the bill.

Indeed, the leadership decided that one committee which added some pork projects to the Safe Drinking Water Act on the floor would be the exclusive conferees on those pork provisions.

I have asked the Parliamentarians for a list of the bills in this or other Congresses in which such an extraordinary and remarkable appointment had been made—naming as exclusive or even majority conferees a committee that was not the primary committee on a bill. Thus far, we have been shown no other examples. This leaves me to conclude that this is merely a political exercise. While, I trust, therefore, that it will have no precedential value, it still must be faced during this conference.

In practical terms this means that there will be no conference report, and no safe drinking water bill enacted into law, until the conferees from the Transportation Committee have secured everything they want. This is not a formula for a fast conference.

So today, only 6 days before this money is lost, we find ourselves in the following predicament. The conferees have not met. No issues have been resolved. We do have a conferees' meeting scheduled for tomorrow morning. But there is no telling at this moment whether there will be any progress before we depart this week.

I remain hopeful that our staffs can make progress without our assistance over the weekend, and that time will not run out on us. But when we get back next week we will have to have an agreement reached, a conference report drafted and signed, approval of that report voted by both Houses of Congress, and a bill sent to the President and signed—all before midnight on Wednesday.

Mr. Speaker, is this possible? Yes, I still believe it is. But I do not want our constituents to suffer an irrational forfeiture of this money for safe drinking water. If it becomes necessary on Monday, I ask the Appropriations Committee, the leadership, and the House to move the deadline and rescue this money for the safe drinking water systems of this country.

ABINGTON, PA HONORED IN NEIGHBORHOOD REVITALIZATION SUCCESS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to congratulate the community of Abington, PA for their success in revitalizing the small businesses in their neighborhoods.

The Pennsylvania Department of Community Affairs approved a grant request from Abington Township in which the township planned to improve six business districts.

Supervisors at the Department of Community Affairs have lauded the Abington proposal as one which truly and effectively works to preserve neighborhoods and the small town atmosphere. The grant will be applied to the Old York Road, Town Center, Roslyn, Keswick, McKinley, and North Hills sections of the township.

While business usually takes the initiative on revitalization issues, in Abington's case it was the vision of the local government which motivated the program and grant proposal. It should be noted that Abington developed this outstanding economic development program in just 2 years.

Abington's economic development committee of its board of directors, founded by the late Richard Fluge, exercised vision and wisdom in its work toward economic development.

I would like to add my congratulations and best wishes to these community leaders for their superlative public service. They are proof of the ability and professionalism of our local governments, demonstrating that members of the community are most often the sources of the best solutions to the problems American families face in their daily lives.

THE TRAIN WHISTLE RESOLUTION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today in order to introduce a piece of legislation that will benefit communities throughout the Nation. My legislation is a straightforward resolution regarding the implementation of the train whistle requirement of the Swift Rail Act of 1994.

An amendment added to the Swift Rail Development Act of 1994 mandated the Secretary of Transportation to issue regulations requiring trains to sound their horns at every public road-rail grade crossing in the country, 24 hours a day. According to the law, the Secretary must issue the new regulations by November 1996.

There are approximately 168,000 public highway-rail crossings in the United States and railroads regularly sound train whistles at most of these crossings. Trains sound their horn as a final warning of a train's approach; the horn is in addition to motorist warning devices such as signs, lights, bells, and gates at crossings. However, at nearly 2,100 crossings, local communities have banned train whistles to limit excessive noise in residential or other designated areas. The rules required by the Swift Rail Development Act will now preempt the local ordinances that silence train whistles.

At a distance of a half-mile, the noise level of a standard American train whistle is 86 decibels. This is well over what the U.S. Environmental Protection Agency says is the maximum noise threshold tolerable for peace and serenity. It is no wonder that communities that

have developed along rail lines would want to limit when and where trains can sound their horns.

But now, because of the Swift Rail Development Act, trains will sound their whistles at every public grade crossing in America. This may not pose a problem for rural America, but it is a real issue for communities, like those in Illinois, that are located along rail lines. The Chicago area, for example, is the historic rail hub of the United States and has some 1,500 trains moving daily through 2,000 crossings. The impact of all these trains blowing their whistles day and night would be immediate and obvious and would make the jet noise at O'Hare International Airport seem like a minor irritation. The village of Western Springs, which is located in my congressional district, has four street crossings and one pedestrian crossing and the new law would mean 75 minutes of whistle blowing a day.

In 1988, the Illinois General Assembly passed a State law which required both freight and passenger trains to sound their horns when approaching crossings, day and night. The law preempted any local ordinances that banned train whistles. As soon as railroads began implementing the law, the public outcry was so strong that a DuPage County judge stepped in and signed a temporary restraining order to keep trains from blowing their horns. Illinois residents living near rail lines could not live with the noise. They could not even sleep through the night without being interrupted by a train whistle. Shirley DeWine of Berwyn, which is also located in my congressional district, was quoted as saying that she would have to sell her house, which is located a block from the Burlington Northern Railroad if the trains kept blowing their whistles. Fortunately, the Illinois Commerce Commission took emergency action to make sure that the ban on train horns would remain in effect at most crossings.

However, the peace and quiet in Illinois is once again being threatened. This time it is a Federal law that requires trains to blow their whistles at all public grade crossings at all hours of the day and night. Therefore, I, along with a majority of my Illinois colleagues, am introducing this important resolution to express the sense of Congress that the Secretary of Transportation should take into account the interests of the affected communities before issuing the final regulations.

The Swift Rail Development Act of 1994 does allow the Secretary of Transportation to provide exemptions to the train whistle requirement at grade crossings where other safety measures are shown to provide the same level of safety as a final warning from a train whistle. This resolution directs the Secretary to also take into account other criteria, such as the past safety record at the grade crossing and the needs of the community. Also, the resolution allows communities up to 3 years to install supplemental safety measures whenever the Secretary determines that supplementary safety measures are necessary to provide an exception to the train whistle requirement. The resolution also directs the Secretary to work in partnership with affected communities to provide technical assistance and to develop a reasonable schedule for the installation of those measures. Supplemental safety measures are often costly and complicated, and local communities need both financial and technical help installing these safety measures.

The Federal Railroad Administration has been engaged in a very active outreach effort inform communities of the forthcoming rules regarding train whistles. Administrator Jolene Molitoris informed me, in a letter to my office in February, that because of the intense interest in this issue, the FRA will not be able to issue a final rule by the imposed deadline of November 2, 1996. I believe this is encouraging news. The FRA and the Secretary of Transportation can use the extra time to research and develop additional alternatives to whistle blowing. In fact, this resolution will help guide the Secretary of Transportation as he continues to work out the final details of the train whistle requirement.

I understand that the intent of the train whistle requirement is to reduce highway-rail crashes but it is a blanket, one-size-fits-all solution to the problem of rail safety. The resolution I am introducing today allows the Secretary to consider at-grade, accident-reducing safety measures other than whistle blowing that are practical for the affected communities.

I encourage my colleagues from throughout the Nation to join the members of the Illinois delegation, including Congressman RUSH, Congressman JESSIE JACKSON, Jr., Congressman YATES, Congressman PORTER, Congressman WELLER, Congressman COSTELLO, Congressman FAWELL, Congressman DENNY HASTERT, Congressman EWING, Congressman LAHOOD, Congressman DURBIN, and myself, in sponsoring this legislation. We recognize the important safety issues involved, but we also recognize that communities must be given affordable options for avoiding the whistle requirements.

RECOGNIZING JIM QUELLO'S COMMON SENSE AT THE FCC

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1996

Mr. FIELDS of Texas. Mr. Speaker, once again, Federal Communications Commissioner Jim Quello has injected a healthy dose of common sense and sound judgment to a Federal agency badly in need of both.

In a Wall Street Journal op-ed piece yesterday, Commissioner Quello argued eloquently for flexibility as the FCC works to approve guidelines implementing the Children's Television Act.

The act—passed by Congress 6 years ago—seeks to increase both the quantity and the quality of children's television programming. Those of us who worked to pass the Children's Television Act sought to establish a simple, flexible yardstick by which broadcasters' compliance with the act could be measured.

But, as Commissioner Quello points out in his excellent op-ed piece, proposed regulations implementing the act—regulations that are circulating at the FCC—now exceeds 100 pages. Disturbingly, reports suggested that as the number of pages has increased, the guidelines have turned into regulations, and flexibility has been replaced by rigidity and inflexibility. I say reportedly, because no one on Capitol Hill has yet been provided a copy of the proposed regulations.

I wish to thank Commissioner Quello for his many years of distinguished service at the FCC, as well as commend him on an excellent op-ed piece. I also want to make clear that I share his position with regard to guidelines implementing the Children's Television Act, and I pledge to work with him to reduce the regulatory overkill that has been—and remains—the hallmark of so much of what the FCC does.

I commend Commissioner Quello's op-ed piece in yesterday's Wall Street Journal to your attention, Mr. Speaker, and to the attention of my colleagues.

[From the Wall Street Journal, July 24, 1996]

THE FCC'S REGULATORY OVERKILL

(By James H. Quello)

President Clinton has summoned broadcasters to the White House for Summit on Children's Television next Monday. I hope the president uses this highly visible event to set the stage for creating sensible, effective rules to implement the Children's Television Act.

The Federal Communications Commission, charged with developing the actual rules, has been trying to agree on ''processing guidelines''—rules that would require broadcasters to air three hours of kids' educational programming per week. All four commissioners favor the concept of guidelines and a three-hour rule. But some of us believe that for the rules truly to be ''guidelines'' they must contain a reasonable degree of flexibility. The proposed rules the FCC is now considering are so rigid that they look more like government edicts than true guidelines. Indeed, taken in their entirety, these rules are as intrusive and overregulatory as anything I have witnessed in more than two decades at the FCC.

CONTENT CONTROL

In their present form, these ''guidelines'' would have a legal challenge—and probably would be held unconstitutional. They dictate in such detail that they amount to a form of content control in which the FCC cannot legally engage.

For example, the draft rules would allow only regularly scheduled, half-hour programs to be counted for purposes of satisfying most of a broadcaster's three-hour children's programming requirement. This would severely constrain stations' ability to broadcast both programs shorter than 30 minutes and specials like President Clinton's hour-long talk with American schoolchidren—not because they aren't educational but simply because they don't fit the FCC-decreed format.

Television licensees would also have virtually no incentive to finance the broadcast of educational shows on local PBS stations. This would eliminate any realistic possibility that commercial broadcasters would contribute to the development of new noncommercial children's programs like ''Sesame Street.''

On top of these arbitrary rules are page after page of even more burdensome and pointless ancillary requirements. There are rules on how often the FCC-sanctioned programming must be shown each season, on how many times it can be pre-empted, and on what time of day it can be broadcast in order to qualify.

There is a new rule requiring all 1,444 television stations to file paperwork with the FCC every three months—even though the exact same paperwork must be made available on request at the TV station's local office.

On and on it goes, for over 100 pages and 200 paragraphs—an intrusive and meddlesome regulatory mess never envisioned, let alone sanctioned, under the Children's Television Act.

In fact, Congress seemed to have just the opposite in mind when it passed the act in