

DEPARTMENT OF TRANSPORTATION AND RELATED
AGENCIES APPROPRIATION BILL, 1990

SEPTEMBER 7 (legislative day SEPTEMBER 6), 1989.—Ordered to be printed

Mr. LAUTENBERG, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany H.R. 3015]

The Committee on Appropriations, to which was referred the bill (H.R. 3015) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes, reports to the Senate with various amendments, and presents herewith information relative to the changes recommended.

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AIRLINE SMOKING BAN

The Committee has amended section 335 of the House-passed bill, to permanently ban cigarette smoking on domestic airline flights.

On February 10, 1989, a study on the exposure of nonsmokers on airline flights to cigarette smoke was published in the journal of the American Medical Association. That study, conducted by a group of scientists led by researchers from the National Cancer Institute and the Environmental Protection Agency, showed that nonsmoking passengers and flight attendants are exposed to equivalent amounts of nicotine as smoking passengers.

This study confirmed concerns about the health risks posed by passive smoking. In the United States, 390,000 people die each year from smoking-related causes. The Surgeon General estimated that as many as 5,000 nonsmokers die each year from inhaling smoke of others. The problems posed by cigarette smoke on airplanes can be even worse than those in other environments. Newer, more fuel-efficient planes utilize increasing amounts of recirculated air, increasing the exposure of passengers to smoke.

The dangers of passive smoking continue to be of continuing concern to the Committee. The Committee adopted a provision on the fiscal year 1988 Transportation appropriations bill banning smoking on some commercial domestic flights. That ban has been implemented very successfully, with overwhelming public acceptance. Based on this experience, and mounting scientific evidence on the dangers of passive smoking, especially in a confined environment like an airline cabin, the Committee has included this provision to prohibit smoking on domestic airline flights.

The Senate amendment treats all airlines alike, that is, if the prohibition on smoking applies to any airline's flight segment between any two cities it applies to all airlines' flight segments between those two cities. This prohibition is applied without regard to whether the airline in question is a domestic or is a foreign airline flying within the United States on the continuing segment of a flight from a foreign port to a U.S. gateway.

The Key vote.

*cc: Field
GM/KM/BC/cy/DA*

WN 9/14

September 14, 1989

HR 3015 - DOT Appropriations Bill

Vote on motion for cloture on Lautenberg Amendment extending smoking ban to all flights.

Yeas (77)		No (21)	
DEMS	REPS	DEMS	REPS
Adams	Armstrong	Breaux	Bond
Baucus	Boschwitz	Byrd	Burns
Bentsen	Chafee	Ford	Gramm
Biden	Coats	Fowler	Grassley
Bingaman	Cochran	Heflin	Helms
Boren	Cohen	Hollings	Kasten
Bradley	D'Amato	Inouye	McClure
Bryan	Danforth	Johnston	McConnell
Bumpers	Dole	Sanford	Symms
Burdick	Domenici	Sasser	Wallop
Conrad	Durenberger		Warner
Cranston	Garn		
Daschle	Gorton		
DeConcini	Hatch		
Dixon	Hatfield		
Dodd	Heinz		
Exon	Humphrey		
Glenn	Jeffords		
Gore ✓	Kassebaum		
Graham	Lugar		
Harkin	Hack		
Kennedy	McCain		
Kerrey	Murkowski		
Kerry	Nicles		
Kohl	Packwood		
Lautenberg	Pressler		
Levin	Roth		
Lieberman	Rudman		
Matsunaga	Simpson		
Metzenbaum	Specter		
Mikulski	Stevens		
Mitchell	Thurmond ✓		
Moynihan	Wilson		
Nunn ✓			
Pell			
Pryor			
Reid			
Riegle			
Robb ✓			
Rockefeller			
Sarbanes			
Shelby			
Simon			
Wirth			

V = particularly significant

*Bill is off to conference comtee,
which Lautenberg will chair.*

cc: "yes" vote were pro-industry
Jurisdictional vote

September 14, 1989

H.R. 3015 - DOT Appropriations Bill

Vote on Motion to Uphold Favorable
Ruling of Chair on Hollings Point-
of-Order Objections to Lautenberg Amendment

Yes (34)

NO (65)

Democrats

Republicans

Democrats

Republicans

Bentsen
Breaux
Bryan
Ford
Gore
Heflin
Hollings
Inouye
Kerry
Robb
Sanford
Shelby

Burns
Cochran
Danforth
Dole
Domenici
Gramm
Helms
Humphrey
Jeffords
Kassebaum
Kasten
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Rudman
Symms
Thurmond
Wallop
Warner

Adams
Baucus
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Fowler
Glenn
Graham
Harkin
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Peli
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wirth

Armstrong
Bond
Boschwitz
Chafee
Coats
Cohen
D'Amato
Durenberger
Garn
Gorton
Grassley
Hatch
Hatfield
Heinz
Lugar
Packwood
Pressler
Roth
Simpson
Specter
Stevens
Wilson

Last cloture vote
21-77... was the
key vote

Motion (Point-of-Order)

Assuming Cont. amend. is added to DoT

Right of Motion to Instruct Conferees

- 1) 1st right goes to ranking Rep. (cont. of jurisdiction)
- 2) goes down thru all Reps
- 3) then to ranking Dem on cont.

Can only be 1 instruction to conferees / but motion can be on a

→ Cont. - ranking member

variety of issues

Can he do something to obstruct getting the airline issue on the "instruction" to preempt anyone from getting the airline issue on the order.

→ Final bill has not passed yet. - maybe timing not

Conferences

House - top of subcommittee (maybe whole subcommittee)

could be mini-conference to decide
major issues - unresolved stuff would
go to full conf.

Senate - Byrd
Hatch & \Rightarrow + same as House

*** Mitter
Coughlin

*** PM advised: make it a major
House leadership hit ((C. Rose mtg w/ Buffy))
= C. Rose - 4⁰⁰ Tues - will meet #3²⁸
w/ top states + then go visit
Capitol
Foley, etc.

- PM making calls to top state members now (not staff)

[But Senate: why use chits re taxes]

INDUSTRY POSITION

- cannot start up House (2 hrs) / must pass laugh test

- 2 hrs = 86%

- 3 hrs = 91% ➡

4 = 96%

PM = Preserve island of smoking

Symbolism, no precedent is important

is not the most important

PAT? - not creative but ok on 3

- could be phase in?

Conf. Cmte could adopt all provisions except 1 = then an issue would go to a vote on House floor. [Lautenberg could force issue]

House

Dis
Carr?
~~W. Gray?~~

B. Gray?

Sabo?

Lehman 3

Dubin

Murask

3

Kaufman

Silver's Cmte

~~W. Gray?~~

Dolay

3

6-5

J. Whitten > he needs to take a real active interest + get involved.

Only way to work on Lauterbach
is to get conference ante to
whold something from Lauterbach. —
Need Whitten

PM:

Conference — appt conferences Monday House
Tuesday Senate
earliest date next (Tues) — Wed — Thurs

* Get to the state Cong. immediately

PAT:

Revisiting Pub Aff / media strategy

Must factor this in w/ legislat. effort

▲ Audience #1 — international

▲ Audience #2 — in D.C. — keep good play re to's lobbyists

→ Study / follow process, rules / attack Lauterbach

for * Not one story has talked compromise position

PM * They have us boxed —

Burlough = 3 hr not good enough as beginning point

→ go in at 4 hrs — doesn't care whether 91 or 96 %

SDC — disagree — we gave in @ couple
earlier steps.

SDC - we must follow thru + fight to end - don't walk away - get intense

Bul. = Tell House folks to work at Foley now NOT to recede to Senate - keep fighting @ 2 hrs, then give when you have to - come out of something less than total ban.

① ✓
② leave to members on firing line to decide when they need more leverage
③ Stop @ 3 hrs - 96%

D. Greenberg -

- Some airports - little room to smoke
- * • Can we preempt S/R in airports?
 - Draft Fed amendment to ~~the~~ mandate smoke + up sections in airports
 - Maybe no place now - beyond scope of Conf. comm. now

Try to reschedule Rose mtg for Tuesday am

* Call Tob state Cong. now in so position + Idisting

Contact House conferees

- Whitten
- Lehman
- Conte
- B. Gray
- Carr
- Delay
- Sabo
- Coughlin

SDC = no use to hit Carr @ home

SAct = Quality hotels are in pt - not masses.